

TITLE X-GENERAL PROVISIONS

Items of Special Interest

Coordination of Department of Defense Homeland Defense/Homeland Security Initiative in Support of First Responders

The conferees remain concerned about the level of planning and coordination between the Department of Defense and other federal departments and agencies that the Department might be called upon to assist in cases of natural or man-made disasters.

Therefore, the conferees direct the Secretary of Defense to provide the Committees on Armed Services of the Senate and the House of Representatives a report by March 5, 2005, detailing the Department's strategy and plans to coordinate with the Department of Homeland Security (DHS), the Department of Justice (DoJ), and state, local and tribal governments on command, control and communication problems encountered during man-made and natural disasters. Additionally, the report shall address technology developments and interoperability issues that exist or may exist between the Department and other federal departments, and state, local and tribal first responders, as well as possible solutions to resolve such issues. The conferees encourage the Department to continue its efforts to identify technologies that may serve homeland security purposes, and to make such technologies available to DHS, DoJ and the first responder community.

Legislative Provisions Adopted

Subtitle A-Financial Matters

Transfer Authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would provide \$3.0 billion in transfer authority among accounts in division A of this Act for fiscal year 2005.

The Senate amendment contained a similar provision (sec. 1001).

The conferees agree to a provision that provides \$3.5 billion in transfer authority.

United States contribution to NATO common-funded budgets in fiscal year 2005 (sec. 1002)

The Senate amendment contained a provision (sec. 1002) that would authorize the U.S. contribution to North Atlantic Treaty

Organization (NATO) common-funded budgets for fiscal year 2005, including the use of unexpended balances. The resolution of ratification for the Protocol to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic contained a provision (section 3(2)(c)(ii)) requiring a specific authorization for U.S. payments to the common-funded budgets of NATO for each fiscal year, beginning in fiscal year 1999, that payments exceed the fiscal year 1998 total.

The House bill contained no similar provision.

The House recesses.

*Budget justification documents for operation and maintenance
(sec. 1003)*

The House bill contained a provision (sec. 1002) that would amend section 232 of title 10, United States Code, to require additional information be provided with the annual Department of Defense operation and maintenance (O&M) budget presentation, including: the baseline costs for programs in which there is an identified program increase or decrease; the amount of funds requested for personal service contracts and the number of personal service contractors expected to be compensated at an annual rate in excess of the annual rate of pay for the Vice President; identification by the Department of the Navy of funding requested for ship depot maintenance and funding requested for intermediate depot maintenance; and the average civilian salary cost by sub-activity group as a component of the personnel summary. The provision would also require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2005 that catalogues the elements of "other costs" and "other contracts" which are currently used in the O&M justification materials of the budget request.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would amend section 232 of title 10, United States Code, to require additional information be provided with the Department of Defense annual O&M budget presentation, including: the baseline costs for programs in which there is an identified program increase or decrease; and identification by the Department of the Navy of funding requested for ship depot maintenance and funding requested for intermediate depot maintenance. The amendment would also require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2005 that catalogues the elements of other costs and other contracts which are currently used in justification materials of the budget request.

The conferees note that the Committees on Armed Services of the Senate and the House of Representatives will continue to work with the Department and the services to improve the information

included in the annual O&M budget submissions.

Licensing of intellectual property (sec. 1004)

The House bill contained a provision (sec. 1003) that would authorize the Secretary concerned, under regulations prescribed by the Secretary of Defense, to license trademarks, service marks, certification marks, and collective marks owned by a military department, and to retain and expend fees received from such licensing. Fees received in excess of the costs of registration and licensing could be expended for recruiting and retention and morale, welfare, and recreation activities of the military department.

The Senate amendment contained a provision (sec. 1064) that would provide similar authority, but would limit the use of excess fees to morale, welfare, and recreation activities of the military department.

The House recedes with a technical amendment.

Repeal of funding restrictions concerning development of medical countermeasures against biological warfare threats (sec. 1005)

The House bill contained a provision (sec. 1005) which would repeal Section 2370a of title 10, United States Code that set statutory limits on funding concerning the development of medical countermeasures against biological warfare threats.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees intend to monitor the expenditure of funds in this account and expect the Department of Defense to provide briefings to the congressional defense committees on this issue. Although the statutory limits are being lifted, the conferees remain concerned that sufficient funding is not being requested or expended in the various categories for medical countermeasures against biological warfare threats. The conferees urge the Department to program more robust funding for biological defense programs consistent with the needs and objectives of these programs, and expect the Department to use the money authorized to develop medical countermeasures against biological warfare threats.

Report on budgeting for exchange rates for foreign currency fluctuations (sec. 1006)

The House bill contained a provision (sec. 1006) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a report on the foreign currency exchange rate projection used in annual Department of Defense budget presentations.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Fiscal year 2004 transfer authority (sec. 1007)

The House bill contained a provision (sec. 1007) that would provide \$3.0 billion in transfer authority among accounts in division A of this Act for fiscal year 2004.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide \$2.8 billion in transfer authority.

Clarification of fiscal year 2004 funding level for a National Institute of Standards and Technology account (sec. 1008)

The Senate amendment contained a provision (sec. 1092) that would clarify fiscal year 2004 funding for programs under the National Institute of Standards and Technology Industrial Technology Services account.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Notification of fund transfers from working capital funds (sec. 1009)

The Senate amendment contained a provision (sec. 312) that would limit the transfer of funds out of, or among, working capital funds. The provision requires the Secretary of Defense to notify the Congress when such transfers are made. The Department of Defense should submit prior approval reprogramming requests, DD Forms 1415-1, to the congressional defense committees in accordance with established procedures.

The House bill contained no similar provision.

The House recedes.

Charges for Defense Logistics Information Services materials (sec. 1010)

The Senate amendment contained a provision (sec. 361) that would permit the Defense Logistics Information Services, a division of the Defense Logistics Agency, to develop a fee schedule for charging public and private entities for copies of materials from the Federal Logistics Information System (FLIS). The FLIS is a management system designed to collect, store, process, and provide item-related logistics information. This information often is used by private entities doing or seeking business with the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Subtitle B-Naval Vessels and Shipyards

Authority for award of contracts for ship dismantling on net-cost basis (sec. 1011)

The House bill contained a provision (sec. 1011) that would allow the Secretary of the Navy to award contracts for the dismantling of vessels stricken from the Naval Vessel Register on a net-cost basis.

The Senate amendment contained a similar provision (sec. 1013).

The Senate recedes.

Use of proceeds from exchange and sale of obsolete Navy service craft and boats (sec. 1012)

The Senate amendment contained a provision (sec. 1011) that would allow the Secretary of the Navy to retain the proceeds of the sale, or exchange allowance from the exchange, of obsolete service craft and obsolete boats. The Secretary would be allowed to use these proceeds or exchange allowances for specified purposes.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that restructures the items within the provision.

Transfer of Naval vessels to certain foreign recipients (sec. 1013)

The House bill contained a provision (sec. 1013) that would authorize the President: (1) to transfer on a grant basis to the government of Chile, the *Spruance*-class destroyer *O'Bannon* (DD 987) and (b) to the government of Portugal, the *Oliver Hazard Perry*-class frigate *George Phillip* (FFG 12); and (2) to transfer on a sale basis to the Taipei Economic and Cultural Office of the United States, the *Anchorage*-class dock landing ship *Anchorage* (LSD-36). The provision would also direct that: (1) any expense incurred by the United States in connection with a transfer on a grant basis shall be charged to the recipient; and (2) to the maximum extent possible, the President shall require, as a condition of transfer, the repair and refurbishment associated with the transfer be accomplished in a shipyard located in the United States.

The Senate amendment contained a similar provision (sec. 1014) that would authorize the Secretary of the Navy: (1) to transfer on a grant basis to the government of Chile, the *Spruance*-class destroyer *O'Bannon* (DD 987) and to the government of Portugal, the *Oliver Hazard Perry*-class frigates *George*

Phillip (FFG 12) and *Sides* (FFG 14); and (2) to transfer on a sale basis to the Taipei Economic and Cultural Office of the United States, the *Anchorage*-class dock landing ship *Anchorage* (LSD-36) and (b) to the government of Chile, the *Spruance*-class destroyer *Fletcher* (DD 992). The provision would also direct that any expense incurred by the United States in connection with a transfer authorized by this provision be charged to the recipient.

The House recedes with an amendment that would authorize the President: (1) to transfer on a grant basis to the government of Chile, the *Spruance*-class destroyer *O'Bannon* (DD 987) and to the government of Portugal, the *Oliver Hazard Perry*-class frigates *George Phillip* (FFG 12) and *Sides* (FFG 14); and (2) to transfer on a sale basis to the Taipei Economic and Cultural Office of the United States, the *Anchorage*-class dock landing ship *Anchorage* (LSD-36) and to the government of Chile, the *Spruance*-class destroyer *Fletcher* (DD 992). The amendment would also direct that any expense incurred by the United States in connection with a transfer authorized by this provision be charged to the recipient.

Independent study to assess cost-effectiveness of the Navy ship construction program (sec. 1014)

The House bill contained a provision (sec. 1012) that would require the Secretary of Defense to have a study conducted by an entity independent of the Department of Defense on the cost-effectiveness of the ship construction program of the Navy. The study would examine various approaches for how the Navy ship construction program could be made more cost-effective in the near-term, and how the United States shipbuilding industry might be made globally competitive through a nationally, integrated effort over the next decade.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide for a group of industrial experts to assess priorities for potential implementation of the various approaches in the near-term study, with an assessment of the return on investment. It would also require an assessment of priorities for potential implementation of the various approaches for the nationally, integrated effort, with the objective being to create a healthier and more viable U.S. shipbuilding industrial base.

The conferees believe the group chosen for this study should be five to ten industrial experts who represent an array of industrial sectors, not just the shipbuilding industry. Many sectors of the U.S. industrial base have had to retool processes and equipment to become more competitive. Since the rate of shipbuilding is much lower, competitiveness has not provided the

same incentive for this sector. The conferees are aware of and support the work of the National Shipbuilding Research Program-Advanced Shipbuilding Enterprise (NSRP-ASE), including its lean shipbuilding initiative. The conferees would expect the group of industrial experts chosen for this study to become familiar with this work, and to consider the potential for using the NSRP-ASE to implement some of the various approaches.

Limitation on disposal of obsolete naval vessel (sec. 1015)

The Senate amendment contained a provision (sec. 1012) that would not allow the Secretary of the Navy to dispose of the decommissioned destroyer ex-Edson (DD-946) to a nonprofit organization before October 1, 2007, unless the Secretary first determines that there is no nonprofit organization that meets the criteria for donation of that vessel under section 7306(a)(3) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Subtitle C-Counterdrug Matters

Use of funds for unified counterdrug and counterterrorism campaign in Colombia (sec. 1021)

The Senate amendment contained a provision (sec. 1052) that would extend through fiscal year 2006, the expanded authority for the Department of Defense to use counterdrug funds to support the Government of Colombia's unified campaign against narcotics cultivation and trafficking, and against the terrorist organizations involved in such drug trafficking activities. The provision would also change the limitation on the number of U.S. military personnel assigned to Colombia in support of Plan Colombia to 800 personnel, and the number of federally funded contractor personnel employed in support of Plan Colombia to 600 personnel.

The House bill contained similar provisions (sec. 1031 and 1032) that would extend the expanded authority through fiscal year 2006 and would increase the number of U.S. military personnel in Colombia to 500.

The House recedes.

Sense of Congress and report regarding counter-drug efforts in Afghanistan (Sec. 1022)

The Senate amendment contained a provision (sec. 1056) that would express the sense of the Senate that: 1) the President should make the substantial reduction of drug trafficking in

Afghanistan a priority in the war on terror; 2) the Secretary of Defense should, in coordination with the Secretary of State, work to a greater extent with the Government of Afghanistan and international organizations involved in counter-drug activities to provide a secure environment for counter-drug personnel in Afghanistan; and 3) additional efforts should be made by the Armed Forces of the United States, with coalition forces, to significantly reduce narcotics trafficking in Afghanistan, with particular focus on those traffickers with the closest links to known terrorist organizations. The provision also directed the Secretary of Defense to submit a report to Congress on progress made towards substantially reducing the poppy cultivation and heroin production capabilities in Afghanistan, and the extent to which profits from illegal drug activity in Afghanistan fund terrorist organizations and support groups that seek to undermine the Government of Afghanistan.

The House bill contained no similar provision.

The House recesses with an amendment that would express the sense of the Congress that: 1) the President should make the substantial reduction of illegal drug trafficking in Afghanistan a priority in the global war on terrorism; 2) the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in the counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and 3) the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries. The conferees further agree that the Secretary of Defense and the Secretary of State will jointly submit the aforementioned report.

The conferees note that there are strong, direct connections between terrorism and drug trafficking, and that the elimination of this funding source is critical to making significant progress in the global war on terror. It is clear that the military action against the Taliban in Afghanistan was designed, in part, to disrupt the activities of and financial support for terrorists. While progress in disrupting the financial links has been made, it is clear that some of the profits associated with opium harvested in Afghanistan continue to fund terrorists and terrorist organizations, including Al Qaeda, that seek to attack the United States and its interests. Additionally, the President of Afghanistan, Hamad Karzai, has stated that opium production poses a significant threat to the future of Afghanistan, and has established a plan of action to deal with this threat. It is for these and other reasons that the conferees believe that the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to

reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries. The conferees believe that the Department of Defense, in conjunction with other U.S. agencies and coalition partners, must have a comprehensive strategy that provides consistent funding from year to year to achieve significant progress in reducing drug cultivation, trafficking, and related activities in Afghanistan.

Subtitle D-Matters Relating to Museums and Commemorations

Recognition of the Liberty Memorial Museum, Kansas City, Missouri, as America's National World War I Museum (sec. 1031)

The House bill contained a provision (sec. 354) that would express the sense of Congress that the Liberty Memorial Museum in Kansas City, Missouri, is recognized as 'America's National World War I Museum.'

The Senate amendment contained a similar provision (sec. 1078).

The Senate recedes with technical amendments.

Program to Commemorate 60th Anniversary of World War II (sec. 1032)

The Senate amendment contained a provision (sec. 365) that would authorize the Secretary of Defense to conduct a program to commemorate the 60th anniversary of World War II and to coordinate, support, and facilitate other such commemoration programs and activities of the Federal, State, and local governments, and other persons.

The House bill contained no similar amendment.

The House recedes.

Annual report on Department of Defense operation and financial support for military museums (sec. 1033)

The House bill contained a provision (sec. 341) that would amend chapter 23 of title 10, United States Code, to require the Secretary of Defense to include in the annual budget justification materials a complete inventory of military museums operated with funds appropriated to the Department of Defense or the military services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add a reporting requirement for the Secretary to describe the

management structure of each museum. The amendment would also add a reporting requirement for the Secretary to provide information on the prioritization process within the Department and within each military department for funds allocation and personnel support for museums.

While the conferees agree that military museums serve an important role in the preservation of the history and heritage of the U.S. military, the conferees are concerned that the proliferation of military museums nationwide may be draining fiscal resources needed for other requirements. The conferees expect that the information to be provided by the Secretary will be used as a database for future discussions with the Department about the effective management of military museums.

Subtitle E-Reports [Not Provided for Elsewhere]

Quarterly detailed accounting for operations conducted as part of the global war on terrorism (sec. 1041)

The Senate amendment contained a provision (sec. 1029D) that would require the Secretary of Defense to provide to the congressional defense committees quarterly reports on the costs incurred by the Department of Defense for all operations in the global war on terrorism. In addition to the reports required by this provision, the conferees expect the Department to continue to provide to the legislative branch timely access to monthly contingency cost reports.

The House bill amendment contained no similar provision.

The House recedes with a technical amendment.

Report on post-major combat operations phase of Operation Iraqi Freedom (sec. 1042)

The Senate amendment contained a provision (sec. 1028) that would require a report on aspects of the post-major combat operations phase of Operation Iraqi Freedom.

The House bill contained no similar provision.

The House recedes with an amendment that would change the due date of the report to June 1, 2005, and would include an assessment of the organization of U.S Central Command to conduct post-conflict operations and related lessons learned.

Report on training provided to members of the Armed Forces to prepare for post-conflict operations (sec. 1043)

The Senate amendment contained a provision (sec. 1024) that would direct the Secretary of Defense to conduct a study to

determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training. The provision would direct the Secretary to submit a report to Congress on the assessment not later than May 1, 2005.

The House bill contained a similar provision (sec. 1043).
The House recedes with a clarifying amendment.

Report on establishing national centers of excellence for unmanned aerial and ground vehicles (sec. 1044)

The Senate amendment contained a provision (sec. 1027) that would require the Secretary of Defense to submit a report to the congressional defense committees on the need for one or more national centers of excellence for unmanned aerial and ground vehicles. The provision also defines the goals of the centers and other considerations to be included in the preparation of this report.

The House bill contained no similar provision.

The House recedes with a technical amendment to clarify certain elements of the provision.

Study of continued requirement for two-crew manning for ballistic missile submarines (sec. 1045)

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to submit to the congressional defense committees a report on whether the requirement for two-crew manning of fleet ballistic missile submarines should be continued, modified, or terminated.

The Senate amendment contained no similar provision.
The Senate recedes.

Report on Department of Defense programs for prepositioning of materiel and equipment (sec. 1046)

The House bill contained a provision (sec. 342) that would direct the Secretary of Defense to conduct an assessment of the programs of the Department of Defense for the prepositioning of materiel and equipment. The provision would direct the Secretary to submit a report to Congress on the assessment not later than October 1, 2005.

The Senate amendment contained no similar amendment.
The Senate recedes with a clarifying amendment.

Report on al Qaeda activity in the Western Hemisphere (sec. 1047)

The conferees agree to include a provision that would direct the Secretary of State, in consultation with the Secretary of Defense and the Director of Central Intelligence, to submit to the appropriate committees of Congress a report on any al Qaeda activity in the Western Hemisphere, including fundraising, affiliations with other groups in the region, and possible targets for attack; and on United States policies that are designed to address such activities. The provision would require that an unclassified report, with a classified annex as necessary, be submitted no later than 180 days after the date of the enactment of this Act. The conferees note their concern about potential al Qaeda activity in the Western Hemisphere, and the indirect and direct threat to United States national security that such activity represents.

Subtitle F-Defense Against Terrorism [and Other Domestic Security Matters]

Acceptance of communications equipment provided by local public safety agencies (sec. 1051)

The Senate amendment contained a provision (sec. 1041) that would allow military installations that have Memoranda of Understanding or Memoranda of Agreement with state and local first responders to accept ham radios or communication equipment on an interim basis until interoperability of communications has been established.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Determination and report on full-time airlift support for homeland defense operations (sec. 1052)

The Senate amendment contained a provision (sec. 1042) that would instruct the Secretary of Defense to determine the feasibility and advisability of dedicating a full-time airlift capability to support homeland defense operations.

The House bill contained no similar provision.

The House recedes with an amendment that would instruct the Secretary to also consider the transportation requirements of the newly established National Guard Chemical, Biological, Radiological, Nuclear and High Explosive Enhanced Response Force Packages.

Survivability of critical systems exposed to chemical or biological contamination (sec. 1053)

The Senate amendment contained a provision (sec. 1043) that would direct the Secretary of Defense to submit a plan to the Committees on Armed Services of the Senate and the House of Representatives that describes the Department of Defense's systematic approach for ensuring the survivability of defense critical systems exposed to chemical or biological contamination.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle G-Personnel Security Matters

Use of National Driver Register for personnel security investigations and determinations (sec. 1061)

The House bill contained a provision (sec. 1051) that would amend title 49, United States Code, to authorize access to the National Driver Register by federal departments and agencies for use in personnel security investigations and for use in personnel investigations with regard to federal employment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the federal employment contemplated in the provision is employment requiring access to national security information, and that the department or agency receiving such information may use that information only for the purpose of the authorized investigation, in accordance with applicable law.

Standards for disqualification from eligibility for Department of Defense security clearance (sec. 1062)

The House bill contained a provision (sec. 1052) that would amend section 986 of title 10, United States Code, to clarify a standard for disqualification and would allow delegation of waiver authority, in accordance with standards and procedures establish by Executive order or other Presidential guidance.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle H-Transportation-Related Matters

Use of military aircraft to transport mail to and from overseas locations (sec. 1071)

The House bill contained a provision (sec. 1061) that would provide the Secretary of Defense the authority to use military aircraft to transport mail and parcels to, from, and between

overseas locations. This authority, however, would be limited to the following circumstances:

- (1) There is excess space on a scheduled military flight;
- (2) There is no overall cost increase to the Department of Defense or the U.S. Postal Service;
- (3) The U.S. Transportation Command would pay the cost of transporting mail from U.S. Postal Service to customs clearance facilities and military debarkation locations at rates not to exceed Department of Transportation rates for commercial airlines;
- (4) There is no degradation of mail service; and
- (5) There is no diversion of such military aircraft during contingencies or other events.

The Senate amendment contained no similar provision.
The Senate recedes.

Reorganization and clarification of certain provisions relating to control and supervision of transportation within the Department of Defense (sec. 1072)

The House bill contained a provision (sec. 1062) that would amend sections 4744 through 4747 of title 10, United States Code, by moving these sections from chapter 47 to chapter 26. This section would also repeal sections 9741, 9743, and 9746 of title 10, United States Code. These changes reflect the Secretary of Defense's role in transportation versus the individual role of the service secretaries.

The Senate amendment contained no similar provision.
The Senate recedes.

Evaluation of procurement practices relating to transportation of security-sensitive cargo (sec. 1073)

The House bill contained a provision (sec. 1064) that would require the Secretary of Defense to evaluate whether, and under what conditions, in the award of service contracts for domestic freight transportation for security-sensitive cargo, the Secretary should not consider an offer or tender from more than one motor carrier that is a part of a group of motor carriers under common financial or administrative control. The provision would also direct the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives with the results of the evaluation not later than January 1, 2005.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to evaluate the award of service contracts for domestic freight transportation for security-sensitive cargo (such as

arms, ammunition, explosive, and classified material) to determine whether such practices are in the best interest of the Department of Defense, and would direct the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives with the results of the evaluation not later than January 1, 2005.

Subtitle I-Other Matters

Liability protection for Department of Defense volunteers working in maritime environment (sec. 1081)

The House bill contained a provision (sec. 1075) that would modify section 1588 of title 10, United States Code, to add the training of cadets and midshipmen at the service academies to the voluntary services that may be accepted, and include chapters 20 and 22 of title 46 to the laws covered by this provision.

The Senate amendment contained a provision (sec. 1063) that would extend to volunteers working in the maritime training environment the same status and legal protections, for purposes of claims and loss, presently available to volunteers working in support of land-based programs.

The House recedes with an amendment that would modify section 1588 of title 10, United States Code, to add chapters 20 and 22 of title 46 Appendix to the provisions of law listed in subparagraph (d) with the intent of not limiting the liability protection afforded volunteers in the maritime environment only to the service academies.

The conferees appreciate the importance of voluntary services provided by individuals for the benefit of soldiers, sailors, airmen, and marines and their families. As reflected in section 1588 of title 10, United States Code, voluntary services are received in connection with a wide variety of programs and activities. Under many circumstances, the ability of the services to offer protection from personal liability is a necessary condition for the acceptance of voluntary services. This is not always the case; however, and the criteria for identifying those functions and voluntary services appropriate for inclusion in section 1588 are not evident.

The conferees direct the Secretary of Defense to submit a report by June 1, 2005, to the Committees on Armed Services of the Senate and the House of Representatives describing the manner in which the Department of Defense currently determines what voluntary services to accept, which of the accepted services warrant liability protection, and how the Department oversees their delivery under section 1588. The Secretary should prescribe the policy of the Department of Defense regarding the acceptance of voluntary services and, in consultation with the

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Department of Justice, submit proposals for legislative changes, if needed. The conferees urge the Department of Defense to develop policies and procedures that will enable commands and activities to appropriately accept and supervise voluntary services and, when called for, afford immunity from personal liability.

Sense of the Congress concerning media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas (sec. 1082)

The Senate amendment contained a provision (sec. 366) that would state the sense of the Congress that the Department of Defense policy regarding no media coverage of the transfer of the remains of deceased members of the Armed Forces appropriately protects the privacy of the families and friends of the deceased, and is consistent with constitutional guarantees of freedom of speech and freedom of the press.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Transfer of historic F3A-1 Brewster Corsair aircraft (sec. 1083)

The House bill contained a provision (sec. 1076) that would authorize the Secretary of the Navy to convey by means of a gift, without consideration, to Mr. Lex Cralley, of Princeton, Minnesota, all right, title, and interest of the United States in and to a F3A-1 Brewster Corsair aircraft.

The Senate amendment contained no similar amendment.

The Senate recedes.

The conferees note that this transfer should not be considered as a precedent for future transfers of aircraft or other property of the U.S. government to individuals.

Technical and clerical amendments (sec. 1084)

The House bill contained a provision (sec. 1073) that would make technical and clerical amendments to various provisions of law.

The Senate amendment contained similar provisions (sec. 1022 and 1061).

The Senate recedes with an amendment that would incorporate the provisions of sections 1022 and 1061 of the Senate amendment, strike certain portions of section 1073 of the House bill, and make certain additional technical and clerical amendments.

Preservation of search and rescue capabilities of the Federal Government (sec. 1085)

The Senate amendment contained a provision (sec. 1073) that would prevent the Secretary of Defense from reducing or eliminating the search and rescue capabilities at any military installation in the United States until the Secretary certifies that equivalent services will be provided without interruption and consistent with the policies and objectives established in the United States National Search and Rescue Plan of January 1, 1999.

The House bill contained no similar provision.
The House recedes.

Acquisition of aerial firefighting equipment for National Interagency Fire Center (sec. 1086)

The Senate amendment contained a provision (sec. 1076) that would authorize the Secretary of Agriculture to purchase 10 aerial firefighting aircraft to be used by the National Interagency Fire Center.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the aircraft be certified by the Chief of the Forest Service as suited for conditions commonly carried out in the United States, including Alaska.

Revision to requirements for recognition of institutions of higher education as Hispanic-serving institutions for purposes of certain grants and contracts (sec. 1087)

The Senate amendment contained a provision (sec. 1079) that would allow universities to qualify as Hispanic-serving institutions, as defined by the Higher Education Act (Public Law 89-329, as amended), by providing assurances that 50 percent of the Hispanic student population is low-income by employing ~~statistical extrapolation from Census Bureau data~~

The House bill contained no similar provision.
The House recedes.

Military extraterritorial jurisdiction over contractors supporting defense missions overseas (sec. 1088)

The Senate amendment contained a provision (sec. 1081) that would amend the definitional section of the Military Extraterritorial Jurisdiction Act of 2000, section 3267 of title 18, United States Code (Public Law 106-523), to expand jurisdiction over civilian employees and contractor personnel of the United States to include personnel not employed by or contracting with the Department of Defense whose employment relates to supporting the mission of the Department of Defense overseas.

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The House bill contained no similar provision.
The House recedes.

Definition of United States for purposes of Federal crime of torture (sec. 1089)

The Senate amendment contained a provision (sec. 1082) that would amend section 2340 of title 18, United States Code, to define "United States" for the purposes of chapter 113C of that title as the States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

The House bill contained no similar provision.
The House recedes.

Energy savings performance contracts (sec. 1090)

The Senate amendment contained a provision (sec. 1091) that would reauthorize energy savings performance contract authority under section 802 of the National Energy Policy Act (42 U.S.C. 8287a) for the Department of Defense and other federal agencies until October 1, 2006. The provision would also authorize water or wastewater treatment projects to be conducted under an energy savings performance contract.

The House bill contained no similar provision.

The House recedes with an amendment to reauthorize this authority until October 1, 2006.

Sense of Congress and policy concerning persons detained by the United States (sec. 1091-1093)

The House bill contained a provision (sec. 906) that would require the Secretary of Defense to prescribe policies to prevent the abuse of detainees held by the United States as part of the Global War on Terrorism, and would require that the policies be transmitted, and a report on implementation be submitted, to the Committees on Armed Services of the Senate and the House of Representatives. It also contained a provision (sec. 1207) expressing the sense of Congress concerning the abuse of persons in United States custody in Iraq.

The Senate amendment contained a provision (sec. 1029F) that would require detailed reports on foreign national detainees in the custody of the Department of Defense, and the detention facilities and practices of the Department. It also contained a provision (sec. 1057) that would make findings on United States adherence to international conventions on torture and cruel or inhuman treatment or punishment; prohibit torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States; require the Secretary of Defense to prescribe regulations to ensure compliance with the prohibition; and report twice a year

on investigations of possible violations of the prohibition. The Senate amendment also contained a provision (sec. 1059C) that would set out the policy of the United States concerning torture and inhumane treatment; require reports on detainees, military commissions, and interrogation techniques; require the submission of certain reports prepared by the International Committee of the Red Cross; and require the Secretary to certify that federal and contractor personnel engaged in the handling of detainees have been trained in U.S. international obligations and the law of war.

The House recedes with an amendment that would state the sense of Congress with regard to misconduct by certain U.S. personnel at the Abu Ghraib prison in Iraq; the professionalism and morality of the vast majority of American servicemembers serving there; the law governing the treatment of detainees; and the prohibition of torture or cruel and inhumane treatment contained in applicable domestic and international law. The amendment further sets out the policy of the United States with respect to the proper treatment of detainees; the need for thorough investigation and prosecution, as appropriate, of unlawful treatment of detainees; the need to ensure that all personnel of the United States Government understand their obligations to comply with the prohibitions against torture and inhumane treatment; the need to ensure the proper status of detained persons while a determination is made as to their prisoner of war status under the applicable Geneva Convention; and the need for expeditious prosecution of detainees in U.S. custody who are alleged to have committed terrorist acts or other crimes.

The amendment would further require the Secretary of Defense to ensure that policies are prescribed, within 150 days of enactment, to ensure that detainees are treated in a humane manner consistent with the international obligations of the United States and the aforementioned policies on the treatment of detainees; would set out minimum criteria for these policies; and would require that the Secretary certify that federal employees and contractor personnel involved with handling or interrogation of detainees have fulfilled annual training requirements on the law of war and U.S. obligations under international law.

Finally, the amendment contains several reporting requirements, including a requirement that the policies prescribed be forwarded by the Secretary to the Committees on Armed Services of the Senate and the House of Representatives within 30 days. The Secretary is to report to the committees within one year after prescribing the policies on further steps taken to implement them. Nine months after enactment and annually thereafter, the Secretary would be required to submit to the committees a report giving notice of any investigations into violations of international or U.S. law regarding the treatment of detainees; and aggregate data on foreign national detainees in

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the custody of the Department of Defense during the prior year. The reporting provisions of this provision expire on December 31, 2007.

Findings and sense of Congress concerning Army Specialist Joseph Darby (sec. 1094)

The House bill contained a provision (sec. 1206) that would recognize and thank U.S. Army Specialist Joseph Darby for his courageous actions in alerting his superiors to misconduct by American soldiers at Abu Ghraib prison in Iraq, and express the sense of Congress that Specialist Darby should be afforded appropriate protection and recognition by the Department of Defense.

The Senate amendment contained no similar provision.
The Senate recedes.

Legislative Provisions Not Adopted

Reduction in overall authorization due to inflation savings

The Senate amendment contained a provision (sec. 1003) that would reduce the amount authorized to be appropriated to the Department of Defense by \$1.7 billion to reflect the reduced inflation estimates in the Congressional Budget Office's annual review of the budget.

The House bill contained no similar provision.
The Senate recedes.

Authority to waive claims of the United States when amounts recoverable are less than costs of collection

The House bill contained a provision (sec. 1004) that would authorize the Secretary of Defense or his designee to waive indebtedness when the cost of processing the transaction exceeds the amounts recoverable. The maximum amount that may be waived under this statute would be the micro-purchase threshold, currently \$2,500.

The Senate amendment contained no similar provision.
The House recedes.

The conferees request that the Department of Defense provide the following information: (1) proposed regulations for the purposes of this section; (2) how this authority will be used with the existing law related to claims or debt collection, including the Debt Collection Improvement Act; (3) the number of estimated transactions that will be used with this authority regarding amounts owed by members of the Armed Forces and Department civilian personnel; (4) the number of estimated transactions that will be used with this authority regarding

amounts owed by contractors; and (5) the procedures that will be implemented to track debts waived for members of the Armed Forces and Department civilian personnel for tax implications.

Report on amounts remitted and reimbursed during fiscal year 2004 under section 1007 of Public Law 108-136

The House bill contained a provision (sec. 1008) that would require the Secretary of Defense to submit a report not later than 30 days after the end of fiscal year 2004 on amounts remitted and reimbursed during fiscal year 2004 under section 1007 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1585; 10 U.S.C. 2241 note).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 1007 of the National Defense Authorization Act for Fiscal Year 2004 permits funds appropriated to the Department of Defense to be transferred to the Department of State as payment for a fee charged by the Department of State for maintenance, upgrade, or construction of U.S. diplomatic facilities only to the extent that the amount charged in any given year exceeds the total amount of unreimbursed costs incurred by the Department of Defense during that year in providing goods and services to the Department of State. Section 8067 of the Defense Appropriations Act for Fiscal Year 2005 permits funds appropriated to the Department of Defense to be transferred to the Department of State as remittance for a fee charged by the Department of State for fiscal year 2005 for maintenance, upgrade, or construction of U.S. diplomatic facilities only to the extent that the amount of the fee so charged exceeds the total amount of the unreimbursed costs incurred by the Department of Defense during that fiscal year in providing goods and services to the Department of State.

The conferees further note that the capital security cost sharing program has not been authorized by the Congress. While the conferees recognize the need to upgrade and construct new U.S. diplomatic facilities, the conferees oppose the use of a capital cost sharing program as a means of accomplishing this goal. As currently described by the administration, the capital cost sharing program does not take into account the goods and services that other departments and agencies provide to the Department of State at no cost. The conferees urge the administration to request sufficient funds for the Department of State in future year budget requests to provide for the costs of upgrading or constructing U.S. diplomatic facilities.

Limitation on leasing of foreign-built vessels

The House bill contained a provision (sec. 1014) that would restrict the secretary of a military department from entering into a contract for a lease or charter of a vessel for a term of more than 12 months, including all options to renew or extend the contract, if the hull, a major component of the hull, or superstructure of the vessel is constructed in a foreign shipyard. This provision includes a clause by which the President could make an exception to this limitation if the President determines it is in the national security interest of the United States to do so.

The Senate amendment contained no similar provision.

The House recedes.

Report on availability of potential overland ballistic missile defense test ranges

The Senate amendment contained a provision (sec. 1025) that would require the Secretary of Defense to submit a report to Congress assessing the availability of potential ballistic missile defense test ranges for overland intercept flight tests of defenses against ballistic missiles with a range of 750-1500 kilometers.

The House bill amendment contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees by February 1, 2005, that assesses the availability of potential ballistic missile defense test ranges for overland intercept flight tests of defenses against ballistic missiles with a range of 750-1500 kilometers.

Sense of Congress on space launch ranges

The Senate amendment contained a provision (sec. 1035) that would express the sense of Congress that the Secretary of Defense should provide support for and continue the development of range safety systems to reduce costs and enhance technical capabilities and operational safety at U.S. space launch ranges.

The House bill contained no similar provision.

The Senate recedes.

The conferees continue to believe that safe, effective, and efficient space launch ranges are key to assured access to space. The conferees are aware of ongoing efforts to develop, test, and certify launch range technology based on Global Positioning

System signals and inertial navigation that holds promise to improve down-range reentry support, increase launch support capability, lower range support costs, and improve range safety. The conferees encourage the Department of Air Force to support these efforts.

Compensation for former prisoners of war

The Senate amendment contained a provision (sec. 1055) that would require that any plan of the Secretary of Defense to provide compensation to an individual who was injured in a military prison under the control of the United States in Iraq shall include a provision to address the injuries suffered by the citizens of the United States who were held as prisoners of war by the regime of Saddam Hussein during the First Gulf War.

The House bill contained no similar provision.

The Senate recedes.

Phased implementation of new program for transporting household goods of members of the Armed Forces

The House bill contained a provision (sec. 1065) that would prohibit the Secretary of Defense from implementing the new program, "Families First" for the transportation of household goods of members of the Armed Forces and their dependents beyond phase I of the program until the Secretary submits to Congress a report evaluating whether phase I met its objectives and whether it is in the best interest of the Department of Defense and members of the Armed Forces to move forward to phase II of the program.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of quarterly reporting requirement concerning payments for District of Columbia water and sewer services and establishment of annual report by Treasury

The Senate amendment contained a provision (sec. 1067) that would amend the District of Columbia Public Works Act of 1954, as amended, to repeal the requirement that the Inspector General of each federal department or agency receiving water or sewer services from the District of Columbia submit quarterly reports, analyzing the promptness of payments for such services. These reports would be replaced by an annual report on payments for

these services submitted by the Secretary of the Treasury to the Committees on Appropriations of the Senate and the House and Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

The House bill contained no similar provision.

The Senate recesses. The conferees anticipate that this issue will be addressed in other legislation.

Assistance for study of feasibility of biennial international air trade show in the United States and for initial implementation

The House bill contained a provision (sec. 1072) that would require the Secretary of Defense to select and provide assistance to a community in conducting a joint study to determine the feasibility of establishing an international air trade show in that community.

The Senate amendment contained no similar provision.

The House recesses.

Commission on the long-term implementation of the new strategic posture of the United States

The House bill contained a provision (sec. 1074) that would establish a new commission to review the long-term implementation of Nuclear Posture Review recommendations.

The Senate amendment contained no similar provision.

The House recesses.

Grant of federal charter to Korean War Veterans Association, Incorporated

The Senate amendment contained a provision (sec. 1074) that would modify title 36, United States Code, to grant a federal charter to the Korean War Veterans Association, Incorporated.

The House bill contained no similar provision.

The Senate recesses.

Assignment of members to assist Bureau of Border Security and Bureau of Citizenship and Immigration Services of the Department

of Homeland Security

The House bill contained a provision (sec. 1077) that would authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps to assist the Bureau of Border Security and the U.S. Customs Service of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and to aid in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

The Senate amendment contained no similar provision.

The House recedes.

Sense of the Senate on American Forces Radio and Television Service

The Senate amendment contained a provision (sec. 1077) that would express the sense of the Senate that the mission statement and policies of the American Forces Radio and Television Service appropriately state the goal of maintaining equal opportunity balance with respect to political programming and that the Secretary of Defense should ensure that these policies are fully being implemented.

The House bill contained no similar provision.

The Senate recedes.

Extension of scope and jurisdiction for current fraud offenses

The Senate amendment contained a provision (sec. 1080) that would provide for extraterritorial jurisdiction under the provisions of section 1001 of title 18, United States Code, dealing with false statements or entries and section 1031 of that title, dealing with major fraud against the United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that existing law adequately addresses the situation.

Broadcast Decency Enforcement Act of 2004

The Senate amendment contained several provisions (sec. 1084-1089) that would (1) amend the Communications Act of 1934 (47 U.S.C. 151 et. seq.) to increase the penalties for broadcasting obscene, indecent, or profane language; (2) provide mitigating factors for such penalties; (3) make findings on media concentration and suspend the media concentration rules adopted by the Federal Communications Commission in June, 2003; and (4) prohibit the distribution of violent video programming not blockable by electronic means.

The House bill contained no similar provision.

The Senate recedes.

Local Law Enforcement Enhancement Act of 2004

The Senate amendment contained several provisions (sec. 3401-3410) that would constitute the "Local Law Enforcement Enhancement Act of 2004." The Attorney General, at the request of a State or tribal law enforcement official, could provide assistance in the investigation or prosecution of certain hate crimes. The Attorney General could also award grants to State, local, and tribal law enforcement officials to assist with the investigation and prosecution of such crimes. Chapter 13 of title 18, United States Code, would be amended to establish a substantive federal prohibition of certain specific hate crime acts. No prosecution could be undertaken under this section without certification from the Attorney General or certain other officials of the Department of Justice.

The House bill contained no similar provision.

The Senate recedes.

TITLE XI-CIVILIAN PERSONNEL MATTERS

Items of Special Interest

Fort Meade - work related illnesses

The conferees are concerned with continued reports of work related illnesses among the National Security Agency (NSA) employees at Fort Meade, Maryland. The conferees direct the Secretary of Defense to undertake an epidemiological study and health hazard evaluation related to NSA buildings at Fort Meade. The conferees believe the National Institute for Occupational Safety and Health of the Department of Health and Human Services is an appropriate federal government organization to perform such a study. The conferees expect the study to be completed by March 2006.

Legislative Provisions Adopted

Payment of Federal employee health benefit premiums for mobilized Federal employees (sec. 1101)

The House bill contained a provision (sec. 1101) that would authorize a federal government employee, who is a member of a Reserve component ordered to active-duty in support of a contingency operation and placed on leave without pay, to continue to receive coverage under the Federal Employee Health Benefit Program for 24 months. The provision would also authorize the agency to pay both the employee's share and the agency's share of the premiums for continued coverage up to 24 months.

The Senate amendment contained no similar provision.

The Senate recedes.

Foreign language proficiency pay (sec. 1102)

The House bill contained a provision (sec. 1102) that would eliminate the restriction in current law that foreign language proficiency pay may be paid only to those civilian employees

working in support of contingency operations.

The Senate amendment contained a similar provision (sec. 1102).

The House recedes with an amendment to require that the authority for foreign language proficiency pay will take effect on the first day of the first month that begins after the date of enactment of this Act.

Pay and performance appraisal parity for civilian intelligence personnel (sec. 1103)

The House bill contained a provision (sec. 1103) that would require the Secretary of Defense to fix the rates of basic pay for employees within the Department's Civilian Intelligence Personnel System in relation to rates of pay provided for their counterparts elsewhere within the Department of Defense. The provision would repeal maximum rates of pay and outline the performance appraisal system for senior executive service personnel.

The Senate amendment contained a similar provision (sec. 1103) that would also require the implementation of an appraisal system for Defense Intelligence Senior Executive Service personnel comparable to that provided for other senior executive service personnel in the Department of Defense that would make meaningful distinctions based on performance.

The House recedes with an amendment to clarify that pay rates for defense civilian intelligence personnel would be established in relation to the rates of pay provided for comparable positions in the Department of Defense, and subject to the same limitations on maximum rates of pay established for ~~employees of Defense by law or regulation.~~ The amendment would recede to the Senate's version of the performance appraisal system for senior executive service personnel in the Defense Intelligence Personnel System.

Pay parity for senior executives in defense nonappropriated fund instrumentalities (sec. 1104)

The House bill contained a provision (sec. 1104) that would authorize the Secretary of Defense to adjust the pay cap for Department of Defense nonappropriated fund executives to ensure that the compensation paid to such employees remains consistent with the Senior Executive Service employees.

The Senate amendment contained a similar provision (sec.

1105).

The House recedes with a technical amendment.

The conferees intend that in order to qualify for higher pay, the nonappropriated fund executives would meet performance standards established in a rigorous performance management system as required for federal civil service employees under section 5382 of title 5, United States Code.

*Science, mathematics and research for transformation (SMART)
defense scholarship pilot program (sec. 1105)*

The Senate amendment contained a provision (sec. 1101) that would establish a pilot program within the Department of Defense to provide targeted educational assistance to individuals seeking a baccalaureate or an advanced degree in science and engineering disciplines that are critical to national security. This provision would allow individuals to acquire such education in exchange for a period of employment with the Department in the areas specified.

The House bill contained no similar provision.

The House recedes.

*Report on how to recruit and retain individuals with foreign
language skills (sec. 1106)*

The Senate amendment contained a provision (sec. 1108) that would require the Secretary of Defense to submit a plan to the congressional defense and intelligence committees with the fiscal ~~year 2006 budget request for expanding and improving the national~~ security foreign language workforce of the Department of Defense, on both a near-term and a long-term basis.

The House bill contained no similar provision.

The House recedes with a technical amendment that would require the Secretary to submit the required plan to the congressional defense and intelligence committees no later than March 31, 2005, and incorporate the findings of the Senate's provision into this statement of managers.

The conferees agree that strengthening the foreign language workforce of the Department is a critical step in winning the global war on terrorism and improving the national security of the United States. The conferees find that: 1) The Federal Government has a requirement to ensure that the employees of its departments and agencies with national security responsibilities

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are prepared to meet the challenges of the current and future international environment; 2) According to a 2002 General Accounting Office report, federal agencies have shortages in translators and interpreters and an overall shortfall in the language proficiency levels needed to carry out their missions, which has adversely affected agency operations and hindered U.S. military, law enforcement, intelligence, counterterrorism, and diplomatic efforts; 3) Foreign language skills and area expertise are integral to, or directly support, every foreign intelligence discipline and are essential factors in national security readiness, information superiority, and coalition peacekeeping or warfighting missions; 4) Communicating in languages other than English and understanding and accepting cultural and societal differences are vital to the success of peacetime and wartime military and intelligence activities; 5) Proficiency levels required for foreign language support to national security functions have been raised, and what was once considered proficiency is no longer the case; 6) According to the Joint Intelligence Committee Inquiry into the 9/11 Terrorist Attacks, the U.S. intelligence community had insufficient linguists prior to September 11, 2001, to handle the challenge it faced in translating the volumes of foreign language counterterrorism intelligence it collected, including a readiness level of only 30 percent in the most critical languages that are used by terrorists; and 6) Because of this shortage, the Federal Government has had to enter into private contracts to procure linguist and translator services, including some positions that would be more appropriately filled by permanent federal employees or members of the U.S. Armed Forces.

The conferees expect the Secretary to formulate a comprehensive, achievable plan for improving the foreign language workforce of the Department, both military and civilian, and to work closely with other agencies of the Federal Government to ensure that the foreign language requirements of the United States are met.

Plan on implementation and utilization of flexible personnel management authorities in Department of Defense laboratories (sec. 1107)

The Senate amendment contained a provision (sec. 1109) that would require the Under Secretary of Defense for Acquisition, Technology and Logistics and the Under Secretary of Defense for Personnel and Readiness to jointly develop and submit to the Committees on Armed Services in the Senate and the House of Representatives a plan for the effective utilization of specific personnel management authorities designed to increase the mission

responsiveness, efficiency, and effectiveness of Department of Defense laboratories.

The House bill contained no similar provision.

The House recesses with an amendment that would change the reporting requirements associated with the plan.

The conferees note that Secretary of the Navy Gordon England's letter to the Committee on Government Reform of the House of Representatives, dated April 26, 2004, stated that the Department "will not impose Best Practices in those laboratories that are temporarily exempt" from the National Security Personnel System. The Secretary further stated that the Department's laboratories "should be able to continue individually to refine and evolve their 'successfully tailored systems' over the next several years if they determine that such adjustments are beneficial and not disruptive to their workforce."

Legislative Provisions Not Adopted

Accumulation of annual leave by intelligence senior-level employees

The Senate amendment contained a provision (sec. 1104) that would permit intelligence senior-level employees of the Department of Defense to accumulate annual leave in a manner identical to the Department's Senior Executive Service.

The House bill contained no similar provision.

The Senate recesses.

Prohibition of unauthorized wearing or use of civilian medals or decorations

The House bill contained a provision (sec. 1105) that would prohibit any person from merchandising or wearing a Department of Defense civilian medal or decoration without the written permission of the Secretary of Defense. The provision would also authorize the Attorney General to initiate a civil proceeding in a U.S. district court to enjoin the prohibited practice.

The Senate amendment contained no similar provision.

The House recesses.

TITLE XII-MATTERS RELATING TO OTHER NATIONS

Legislative Provisions Adopted

Subtitle A-Matters Relating to Iraq, Afghanistan, and Global War on Terrorism

Commanders' Emergency Response Program (sec. 1201)

The House bill contained a provision (sec. 1203) that would authorize the Secretary of Defense to use, notwithstanding any other provision of law, up to \$300.0 million in operations and maintenance funding for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom for the Commanders' Emergency Response Program (CERP), under which commanders in Iraq and Afghanistan receive funds for use in small humanitarian and reconstruction projects in their areas of responsibility. The provision would require quarterly reports on the source and use of funds pursuant to this program.

The Senate amendment contained a similar provision (sec. 311), but did not include the phrase "notwithstanding any other provision of law."

The Senate recedes with an amendment that would provide the Secretary authority to waive any provision of law that would prohibit, restrict, limit or otherwise constrain implementation of the CERP program in Iraq and Afghanistan. The provision would also require the Secretary to submit a report within 120 days to the Committees on Armed Services of the Senate and the House of Representatives identifying all provisions of law that, if not waived, would prohibit, restrict, limit or otherwise constrain implementation of the CERP program in Iraq and Afghanistan. In the event that the Secretary identifies additional such provisions of law after the report is submitted to the Committees on Armed Services of the Senate and the House of Representatives, the conferees expect the Secretary to send supplemental reports with the requested information to those committees.

Assistance to Iraq and Afghanistan military and security forces (sec. 1202)

The Senate amendment contained a provision (sec. 1053) that

would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to use up to \$250.0 million in operations and maintenance funding to provide assistance in fiscal year 2005 to Iraq and Afghanistan military or security forces solely to enhance their ability to combat terrorism and support United States or coalition military operations in Iraq and Afghanistan, respectively.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to use up to \$500.0 million in operations and maintenance funding for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom to provide assistance in fiscal year 2005 to Iraq and Afghanistan military or security forces solely to enhance their ability to combat terrorism and support United States or coalition military operations in Iraq and Afghanistan, respectively. The provision defines "military and security forces" to mean national armies, national guard forces, border security forces, civil defense forces, infrastructure protection forces, and police.

The conferees note that the authority provided by this provision would not permit the provision of assistance to nongovernmental or irregular forces such as private militias. The conferees expect the prior notifications to the congressional defense committees to include detailed information regarding the proposed amounts of funds to be spent, recipients of the funds, and the specific purposes for which the funds would be used.

Redesignation and modification of authorities relating to Inspector General of the Coalition Provisional Authority (sec. 1203)

The Senate amendment contained a provision (sec. 1059B) that would amend the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106), to establish the Office of Special Inspector General for Iraq Reconstruction; to provide for the continuation in office of the individual presently serving as Inspector General of the Coalition Provisional Authority; to provide that the Inspector General shall be responsible to the Secretaries of State and Defense; to provide for support of the Inspector General at appropriate locations of the Department of State in Iraq; to provide for reporting by the Inspector General to the Secretaries of State and Defense; to provide for jurisdiction of the Inspector General over sums appropriated to the Iraq Relief and Reconstruction Fund; to provide for coordination by the Inspector General with the Inspectors General of the Departments of State and Defense and the Agency for International

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Development; to allow personnel of the Inspector General to carry firearms and make arrests in the line of duty with the permission of the Attorney General; and to provide for the termination of the Office of the Special Inspector General.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Presidential report on strategy for the stabilization of Iraq
(sec. 1204)

The House bill contained a provision (sec. 1204) that would require the Secretary of Defense to submit a strategic plan on how the United States will achieve the goal of establishing capable Iraqi security forces to provide for the long-term security of the Iraqi people.

The Senate amendment contained a similar provision (sec. 1029E) that would require the President to submit a report on the strategy of the United States and coalition partners to stabilize Iraq, including the training and deployment of Iraqi security forces, as well as the participation of other international police and military forces.

The House recedes with an amendment that would incorporate the House provision into the Senate provision and require a single Presidential report, followed by quarterly updates from the Secretary of Defense, in conjunction with the Secretary of State, during calendar year 2005. Each quarterly report shall address the following: the number of forces recruited, currently serving, and that have left (along with a break-down of the reasons for leaving) by service over the period in question; progress in meeting training goals; progress in achieving other metrics as identified in the strategic plan; and a description and analysis of any training incidents and deployment successes and failures, with a discussion of how those incidents and successes will affect future efforts to achieve the goals of the strategic plan.

Guidance on contractors supporting deployed forces in Iraq (sec. 1205)

The House bill contained a provision (sec. 1205) that would require the Secretary of Defense to issue guidance and a report on contractors supporting deployed forces in Iraq.

The Senate amendment contained a similar provision (sec.

864). In addition, the Senate amendment contained a provision (sec. 865) that would require a report on contractor performance of security, intelligence, law enforcement, and criminal justice functions in Iraq.

The Senate recedes with an amendment that would provide additional detail on the guidance to be issued. The amendment would require that the Secretary's guidance address the issue of contractor performance of security, intelligence, law enforcement, and criminal justice functions. The conferees expect the guidance to address the full range of security, intelligence, law enforcement, and criminal justice functions that are being performed by contractors in support of current military operations or are anticipated to be performed by contractors in support of future military operations.

The amendment would also require that the guidance address: (1) investigating background and qualifications of contractor security personnel and organizations; and (2) ensuring proper training and compliance with rules of engagement by armed contractor security personnel. The conferees take no position as to whether such investigations and training should be conducted by Department of Defense personnel or by contractor personnel subject to Department oversight.

The conferees expect the Secretary to coordinate, as appropriate, with the heads of other departments and agencies of the Federal Government that would be affected by the implementation of the guidance.

In addition, the conferees expect the Secretary, in preparing the guidance required by this section, to address options for enhancing contractor security and reducing contractor security costs in current and future armed conflicts. The options considered should include: (1) temporary commissioning of contractor security personnel as Reserve component officers in order to subject such personnel to the military chain of command; (2) requiring contractor security personnel to obtain security clearances to facilitate the communication of critical threat information; (3) establishing a contract schedule for companies furnishing contractor security personnel to provide a more orderly process for the selection, training, and compensation of such personnel; (4) establishing a contract schedule for companies to provide more cost-effective insurance for contractor security personnel; and (5) providing for U.S. indemnification of contractors to reduce the costs of insuring contractor security personnel. The report required by subsection (c) should explain the rationale for the Secretary's decision to implement or not to implement these options.

Report on contractors supporting deployed forces and reconstruction efforts in Iraq (sec. 1206)

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The Senate amendment contained a provision (sec. 1021) that would require a report on contractor security in Iraq.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the reporting requirements.

With regard to contractor casualties and fatalities, the report would include: 1) a plan for establishing and implementing a process for collecting data on casualties and fatalities; and 2) a requirement for data on casualties and fatalities that have occurred since the conclusion of major combat operations in Iraq. The conferees understand that the Department of Defense has not yet established a comprehensive system for collecting data on contractor casualties and fatalities and do not believe that the requirement to provide retrospective data should be, or needs to be, implemented in a manner that would become burdensome on the combatant command or on combat units, but should be done in a manner and to an extent that does not undermine military operations. The conferees believe that the Department should be able to collect this information accurately and comprehensively from the contractors themselves. The requirement to establish a plan for collecting contractor casualty and fatality data in the future should ensure that such data is collected routinely and uniformly.

With regard to the requirement to establish a plan for establishing and implementing a process for collecting data on contractors performing security functions in Iraq, the conferees understand that the categories of security functions performed by contractors are not mutually exclusive and expect the Department to indicate any overlap to the best of its ability.

United Nations Oil-for-Food Program (sec. 1207)

The Senate amendment contained a provision (sec. 1058) that would: (1) require the Inspector General of the Department of Defense to ensure, not later than June 30, 2004, the security of all documents relevant to the United Nations Oil-for-Food Program that are in the possession or control of the Coalition Provisional Authority; (2) require executive agencies to provide to the Senate committees of jurisdiction access to documents and information relevant to the Oil-for-Food Program; (3) call on the Secretary of State to urge the Secretary General of the United Nations to provide the United States copies of all audits and core documents related to the Oil-for-Food Program; and (4) require the Comptroller General to conduct a review of United States oversight of the Oil-for-Food Program.

The House bill contained no similar provision.

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The House recedes with an amendment that would: (1) express the sense of Congress that the Secretary of State should seek to conclude a Memorandum of Understanding with the Iraq Interim Government to ensure that the United States will have access to all documents in the possession of the Iraq Interim Government related to the United Nations Oil-for-Food Program; (2) require executive agencies to provide to congressional committees of jurisdiction access to documents and information relevant to the Oil-for-Food Program; (3) call on the Secretary of State to urge the Secretary General of the United Nations to provide the United States copies of all audits and core documents related to the Oil-for-Food Program; and (4) require the Comptroller General to conduct a review of the Oil-for-Food Program, including the role of the United States.

The conferees note their understanding that the phrase "committee of jurisdiction" includes, but is not limited to, the Committees on Armed Services of the Senate and House of Representatives, and the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs of the Senate.

Support of military operations to combat terrorism (sec. 1208)

The House bill contained a provision (sec. 1202) that would authorize the Secretary of Defense to expend up to \$25.0 million during fiscal years 2005 to 2007 to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by the U.S. Special Operations Forces to combat terrorism. The provision would not, however, constitute authority to conduct a covert action. The Secretary would be required to submit a report on the support provided under this section within 30 days of the close of each fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to establish procedures for the exercise of such authority and to notify the congressional defense committees of these procedures prior to the exercise of authority contained in the provision. Additionally, the amendment would require the Secretary to notify the congressional defense committees expeditiously, and in any event, within 48 hours, of the use of such authority as part of an approved military operation, and would prohibit the Secretary from delegating this authority.

The conferees intend that nothing in this provision shall constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (Public Law 93-148) or to supercede any requirement of the War Powers Resolution.

Report on al Qaeda activity in the Western Hemisphere (sec. 1209)

The conferees agree to include a provision that would direct the Secretary of Defense, in consultation with the Secretary of State to submit to the committees on Armed Services of the Senate and House of Representatives of Congress a report on the activities of al Qaeda and associated groups in Latin America and Caribbean, including 1) an assessment of the extent to which such groups have established a presence in the area; 2) a description of activities of such groups in the area, including fund-raising, money laundering, narcotrafficking, and association with criminal groups; 3) an assessment of the threat posed by such groups to the peace and stability of nations in the area and to United States interests; and 4) a description of the United States policies intended to deal with such a threat. The provision would require that an unclassified report, with a classified annex as necessary, be submitted no later than 180 days after the date of enactment of this Act. The conferees note their concern about potential al Qaeda activity in the Western Hemisphere, and the indirect and direct threat to United States national security that such activity represents.

Subtitle B-Counterproliferation Matters

Defense international counterproliferation programs (sec. 1211)

The House bill contained a provision (sec. 1411) that would authorize the Secretary of Defense to expand existing programs to train foreign border and law enforcement officials in preventing the illicit transfer of weapons of mass destruction in the states of the former Soviet Union, Eastern Europe, and the Baltic States, by granting the Secretary authority to conduct those programs in any other country in which the Secretary determines a significant threat exists.

The Senate amendment contained no similar provision.

The Senate recedes.

Policy and sense of Congress on nonproliferation of ballistic missiles (sec. 1212)

The Senate amendment contained a provision (sec. 1071) that would establish the policy of the United States to develop, support, and strengthen efforts to curtail the proliferation of ballistic missiles and related technology. The provision would also express the sense of Congress that ballistic missile

proliferation represents a threat to the United States and its allies and friends which has been slowed by variety of means, and that steps to prevent such proliferation should be vigorously pursued.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress on the Global Partnership against the Spread of Weapons of Mass Destruction (sec. 1213)

The Senate amendment contained a provision (sec. 1059) that would express the sense of Congress that the President should be commended for the steps taken at the G-8 summit at Sea Island, Georgia, on June 8-10, 2004, to demonstrate continued support for the Global Partnership against the Spread of Nuclear Weapons and Materials of Mass Destruction, and to expand the Global Partnership by welcoming new members and using the partnership to coordinate nonproliferation projects in Libya, Iraq, and other countries. The provision would also call on the President to take a number of specific steps to strengthen the partnership.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on collaboration to reduce the risks of a launch of Russian nuclear weapons (sec. 1214)

The House bill contained a provision (sec. 1423) that makes certain findings and would require the Secretary of Defense to submit a report to Congress by November 1, 2005 on steps that might be taken to reduce the danger of unauthorized or accidental ballistic missile launches.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to submit a report to Congress by November 1, 2005 on current and future collaborative efforts to reduce the risk of unauthorized or accidental launches of nuclear armed ballistic missiles.

The conferees recognize that a number of factors related to Russian Federation nuclear forces contribute to the risk of unauthorized or accidental launch of Russian ballistic missiles. These factors include: the high state of readiness of the Russian Federation intercontinental ballistic missile force; the remote location of many these forces; shortcomings in the Russian Federation's early warning system; the short decision time

available to the Russian Federation President after being informed of a possible nuclear attack; the possibility that the Russian Federation, because of concerns that its nuclear forces would not survive a nuclear attack, may have a nuclear deterrence posture that relies on launching a retaliatory strike on warning of nuclear attack; deficiencies in the security and control of Russian Federation nuclear forces; and the susceptibility of nuclear strategic command and control systems and early warning systems to an intrusion or accident that could create the false impression that a nuclear ballistic missile attack is underway. The conferees believe that collaborative measures between the United States and the Russian Federation and continued high-level discussions between U.S. and Russian Federation military leaders could be useful in reducing these risks.

Subtitle C-Other Matters

Authority for humanitarian assistance for the detection and clearance of landmines extended to include other explosive remnants of war (sec. 1221)

The Senate amendment contained a provision (sec. 1051) that would add a new section to chapter 20 of title 10, United States Code, to authorize the Secretary of Defense to provide military training, education, and technical assistance to foreign nations for the purpose of detecting and clearing landmines or other explosive remnants of war. The provision would clarify existing law by separating authority to conduct humanitarian mine clearing actions from the authority to conduct humanitarian and civic assistance, and recognize the requirement to detect and clear other explosive remnants of war, in addition to landmines.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 401 of title 10, United States Code, to include explosive remnants of war, but would not establish a new category for humanitarian activity.

Expansion of entities of the People's Republic of China subject to certain Presidential authorities when operating in the United States (sec. 1222)

The House bill contained a provision (sec. 1212) that would expand the definition of a "Communist Chinese military company" as defined in the Strom Thurmond National Defense Authorization

Act for Fiscal Year 1999 (Public Law 105-261) to include Chinese firms owned or operated by a ministry of the People's Republic of China or an entity affiliated with the defense industrial base of the People's Republic of China.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Assignment of NATO naval personnel to submarine safety programs
(sec. 1223)*

The House bill contained a provision (sec. 1211) that would authorize the Secretary of Defense to assign military personnel from NATO countries and specified other countries to U.S. commands for the purpose of working on the standardization, development, and interoperability of submarine safety and rescue systems and procedures.

The Senate amendment contained a similar provision (sec. 1054).

The Senate recedes with an amendment that would: (1) limit the authority of the Secretary of the Navy to the assignment of members of the naval services of NATO nations in connection with this program; and (2) terminate this authority after September 30, 2008.

*Availability of Warsaw Initiative Funds for new NATO Members
(sec. 1224)*

The conferees agree to include a provision that would make available up to \$4.0 million of Warsaw Initiative Funds in fiscal year 2005 for the participation of new North Atlantic Treaty Organization (NATO) Members (Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia) in the exercises and programs of the Partnership for Peace program. This authority would be available only in fiscal year 2005.

The conferees note that Warsaw Initiative Funds are authorized for the participation of Partnership for Peace nations in the exercises and programs of NATO's Partnership for Peace program.

In a letter to the Committees on Armed Services of the Senate and the House of Representatives, the Deputy Secretary of Defense requested that \$4.0 million of these funds be available in fiscal year 2005 to new NATO members, specifically to work with remaining Partnership for Peace nations as they seek closer cooperation with NATO. The Deputy Secretary noted in his letter

that in 1999, when Poland, Hungary, and the Czech Republic became NATO Members, a limited amount of Warsaw Initiative Funds continued into fiscal year 2000 for exercises and programs that had begun in fiscal year 1999, as well as for funding completion of program audits by local-hire administrative personnel in each of these countries.

The conferees expect that the use of Warsaw Initiative Funds in fiscal year 2005 for new NATO Members will similarly be used for the purposes of completing exercises and programs that began in fiscal year 2004 and, as necessary, completing program audits in those countries.

Bilateral exchanges and trade in defense articles and defense services between the United States and the United Kingdom and Australia (sec. 1225)

The Senate amendment contained a provision (sec. 1059A) that would provide an exception from the certain requirements of subsection (j) of section 38 of the Arms Export Control Act related to bilateral agreement requirements for the transfers of defense items for the Governments of Australia and the United Kingdom.

The House contained no similar provision.

The House recedes with an amendment that would require the Secretary of State, in consultation with the Secretary of Defense, to expeditiously process any application for the export of defense items to the Governments of Australia and the United Kingdom without referral to any other Federal department of agency, except where the item is classified or exceptional circumstances apply.

Study on Missile Defense Cooperation (sec. 1226)

The Senate amendment contained a provision (sec. 1070) that would require the Secretary of State and the Secretary of Defense to establish procedures for streamlining the export licensing review process for missile defense items and examine the feasibility of providing major project authorizations for programs related to missile defense similar to those established under section 126.14 of the International Traffic in Arms Regulations.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Secretary of State, to study the advisability and feasibility of establishing

procedures for streamlining the export licensing review process for missile defense items and providing major project authorizations for programs related to missile defense.

Legislative Provisions Not Adopted

Documentation of conditions in Iraq under former dictatorial government as part of transition to post-dictatorial government

The House bill contained a provision (sec. 1201) that would require the Secretary of Defense to establish a process for transferring to Iraqi entities documentation on the nature of the Saddam Hussein regime, including any documents or records that have been captured by U.S. military forces in Iraq regarding the activities of the Saddam Hussein government and individuals within that government.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary has already transferred most of the noteworthy documentation and is sharing relevant information with the Iraqi government.

Sense of Congress regarding limitation on use of funds for the reconstruction of Iraq

The House bill contained a provision (sec. 1208) that would express the sense of Congress that no U.S. funds may be used for reconstruction activities in Iraq until the President certifies that the Government of Iraq has agreed to expend a significant portion of its oil production revenues on reconstruction activities.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress on destruction of Abu Ghraib prison in Iraq

The House bill contained a provision (sec. 1209) that would express the sense of Congress that the Secretary of Defense should assist the Government of Iraq in destroying the Abu Ghraib

prison and replacing it with a modern detention facility.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that Abu Ghraib prison was one of the world's most notorious prisons during the rule of Saddam Hussein, and that recent misconduct at that prison by members of the U.S. Armed Forces have further highlighted the horrible memories associated with Abu Ghraib. The conferees further note the progress made in improving conditions at Abu Ghraib prison in recent months, combined with the limited options available to the Government of Iraq for adequate detention facilities, suggest that continued operation of the prison may be a necessity in the near-term. The conferees believe that the fate of Abu Ghraib prison is a decision for the sovereign Government of Iraq.

Report on Global Peace Operations Initiative

The House bill contained a provision (sec. 1213) that would require the President to report to Congress on the Global Peace Operations Initiative (GPOI), a new program announced by the administration after the submission of the budget request.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that, traditionally, the training of foreign peacekeeping forces has been conducted by the Department of State under title 22 of the United States Code. The conferees further note that the administration has the necessary authority under title 22 to conduct GPOI as a foreign assistance program.

Procurement sanctions against certain foreign persons that transfer certain defense articles and services to the People's Republic of China

The House bill contained a provision (sec. 1214) that would make it the policy of the United States to prevent destabilizing arms transfers to the People's Republic of China by denying Department of Defense procurement contracts to foreign companies that sell to China items similar to those found on the U.S. Munitions List. The provision would also require the Secretary of Defense to publish a list of such companies in the Federal Register.

The Senate amendment contained no similar provision.

The House recesses.

Military educational exchanges between senior officers and officials of the United States and Taiwan

The House bill contained a provision (sec. 1215) that would require the Secretary of Defense to undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

The Senate amendment contained no similar provision.

The House recedes.

Definitions under Arms Export Control Act

The House bill contained a provision (sec. 1401) that would amend the Arms Export Control Act (22 U.S.C. 2794) to clarify the definitions of "license," "agent," and "exporting agent."

The Senate amendment contained no similar provision.

The House recedes.

Exemption from licensing requirements for export of significant military equipment

The House bill contained a provision (sec. 1402) that would amend the Arms Export Control Act (22 U.S.C. 2778(b)(2)) to prohibit the President from creating regulatory exemptions for significant military equipment that would otherwise require an export license.

The Senate amendment contained no similar provision.

The House recedes.

Cooperative projects with friendly foreign countries

The House bill contained a provision (sec. 1403) that would amend the Arms Export Control Act (22 U.S.C. 2767) to: 1) permit the Congress to block a cooperative project agreement with a friendly foreign country; and 2) require a license for the export of defense articles or defense services relating to a cooperative project.

The Senate amendment contained no similar provision.

The House recedes.

Control of exports of United States weapons technology to the People's Republic of China

The House bill contained a provision (sec. 1404) that would require the President to require exporters of militarily critical technologies to obtain an export license for the export or re-export of any item on the Militarily Critical Technologies List published by the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

Licensing requirement for export of militarily critical technologies

The House bill contained a provision (sec. 1405) that would prohibit the export of certain technologies to individuals or countries engaged in the sale of such items to the security services of the People's Republic of China unless certain conditions are met. Such conditions would require that: a license be approved for that export; the Secretary of Defense concurs in the export; and the foreign person or country agrees in writing not to transfer title, possession of, or otherwise provide access to that item without prior written consent by the President.

The Senate amendment contained no similar provision.

The House recedes.

Strengthening international export controls

The House bill contained a provision (sec. 1406) that would make it the policy of the United States to seek continued negotiations to strengthen the international export control system for sales of arms and militarily-sensitive goods and technologies to countries of concern. The provision would require a Presidential report on progress made in strengthening international controls 180 days after enactment of this Act and every six months thereafter.

The Senate amendment contained no similar provision.

The House recedes.

Defense counterproliferation fellowship program

The House bill contained a provision (sec. 1412) that would

direct the Secretary of Defense to establish a fellowship program to train and educate foreign defense policymakers and military officers in identifying and using counterproliferation tools to combat the spread of weapons of mass destruction.

The Senate amendment contained no similar provision.

The House recedes.

Title XIII-COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Legislative Provisions Adopted

Specification of Cooperative Threat Reduction programs and funds (sec. 1301)

The House bill contained a provision (sec. 1301) that would define the programs and funds that are Cooperative Threat Reduction (CTR) programs and funds, define the funds as those authorized to be appropriated in section 301 of this Act, and specify that CTR funds shall remain available for obligation for three fiscal years.

The Senate amendment contained an identical provision (sec. 1201).

The conferees agree to include this provision.

Funding allocations (sec. 1302)

The House bill contained a provision (sec. 1302) that would authorize \$409.2 million for the Cooperative Threat Reduction (CTR) program. The provision would also authorize specific amounts for each CTR program element, require notification to Congress 30 days before the Secretary of Defense obligates and expends fiscal year 2005 funds for purposes other than those specifically authorized, and provide limited authority to obligate amounts for a CTR program element in excess of the amount specifically authorized for that purpose.

The Senate amendment contained a similar provision (sec. 1202).

The House recedes.

Temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia (sec. 1303)

The House bill contained a provision (sec. 1303) that would provide the President authority for fiscal year 2005 to waive existing certification requirements before obligating funds for the construction of the Shchuch'ye chemical weapons destruction facility in Russia.

The Senate amendment contained a provision (sec. 1203) that would provide the President permanent authority to waive, on an annual basis for each fiscal year, existing certification requirements before obligating funds for the construction of the Shchuch'ye chemical weapons destruction facility in Russia. The Senate amendment would also clarify that funds obligated, but not expended, prior to lapse of a previously executed waiver could be expended.

The Senate recesses with an amendment that would provide the President authority through December 31, 2006, to waive, on an annual basis for each calendar year, existing certification requirements before obligating or expending funds for the construction of the Shchuch'ye chemical weapons destruction facility in Russia. This authority would expire on December 31, 2006, and no waiver would remain in effect after that date.

The conferees agree that providing waiver authority on a calendar year basis, rather than on a fiscal year basis, will minimize the risk of unintended interruptions in the program that could occur when fiscal year waiver authority is not renewed before the end of a fiscal year.

Inclusion of descriptive summaries in annual Cooperative Threat Reduction reports and budget justification materials (sec. 1304)

The Senate amendment contained a provision (sec. 1204) that would clarify that the Secretary of Defense should provide the specified Cooperative Threat Reduction (CTR) budgetary and programmatic information both in the CTR annual report, and in the budget justification materials that the Department of Defense provides each year as part of the President's annual budget request to Congress.

The House bill contained no similar provision.

The House recesses.

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Title XIV-SUNKEN MILITARY CRAFT

Legislative Provisions Adopted

Sunken military craft (sec. 1401-1408)

The House bill contained several provisions (sec. 1021-1028) that would protect sunken U.S. military vessels, aircraft, and spacecraft, as well as the remains and personal effects of their crews from salvage, recovery, or other disturbance without authorization from the secretary of the military department concerned.

These provisions would clarify the circumstances under which such sunken craft, entitled to sovereign immunity when they sank, remain the property of the flag state until officially abandoned. They would also encourage the negotiation of international agreements to protect sunken military craft.

Finally, the provisions would authorize the secretary of the military department concerned to issue and enforce permits for activities directed at sunken U.S. military craft, including contract salvage. This system would not invalidate any permitting system currently in place nor affect any prior lawful transfer or express abandonment of title to any sunken military craft.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of the Navy, in consultation with the Secretary of State, to apply the permitting system established by these provisions to any foreign sunken military craft located in United States waters, if requested by the flag state of that craft. It would also authorize *in rem* liability against a vessel involved in a violation of these provisions, and would authorize the Secretary concerned to request the Attorney General to seek other relief in certain cases. It would establish an eight-year statute of limitations for actions to enforce violations of these provisions or any permit issued thereunder. It would also extend the prohibition on applying the law of finds to sunken military craft to foreign craft located in U.S. waters. Finally, it makes technical changes to the definitional section.

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Title XV-AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Overview

The House bill contained a title (title XV) that would provide new authorizations of appropriations of \$25.0 billion for ongoing operations in Iraq and Afghanistan. The title also contains reporting requirements and general provisions.

The Senate amendment contained a provision (sec. 1006) that would authorize \$25.0 billion for ongoing operations in Iraq and Afghanistan. The provision also contained reporting requirements.

The Senate recedes with an amendment that would create a title that provides new authorization of appropriations of \$25.0 billion for ongoing operations in Iraq and Afghanistan. The title also contains reporting requirements and general provisions.

Summary table of authorization

The following table summarizes authorizations included in the bill for ongoing operations in Iraq and Afghanistan for fiscal year 2005.

1 2

1 6

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Title 15-Additional War-Related Appropriations
(Dollars in Thousands)

<u>PROGRAM TITLE</u>	<u>Request¹</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Agreement</u>
PROCUREMENT				
Aircraft Procurement, Army		498,300		50,000
Missile Procurement, Army		42,800		110,000
Weapons and Tracked Combat Vehicles Procurement, Army		201,900		755,000
Ammunition Procurement, Army		78,750		50,000
Other Procurement, Army		1,567,410		965,000
National Guard and Reserve Equipment, Army		50,000		30,000
Subtotal, Procurement, Army		2,439,160		150,000
Ammunition Procurement, Marine Corps		38,402		180,000
Other Procurement, Marine Corps		98,190		
Subtotal, Procurement, Navy and Marine Corps		136,592		
Aircraft Procurement, Air Force		99,000		50,000
Subtotal, Procurement, Air Force		99,000		50,000
Procurement, Defense-wide		720,000		
Subtotal, Procurement, Defense-wide		720,000		
Total Procurement		3,394,752		1,195,000
OPERATIONS AND MAINTENANCE				
Operation and Maintenance, Army	[14,000,000]	9,607,113	14,500,000	13,550,000
Operation and Maintenance, Navy	[1,000,000]	256,500	1,000,000	367,000
Operation and Maintenance, Marine Corps	[2,000,000]	2,398,735	2,000,000	1,665,000

Title 15-Additional War-Related Appropriations
(Dollars in Thousands)

<u>PROGRAM TITLE</u>	<u>Request¹</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Agreement</u>
Operation and Maintenance, Air Force	[1,000,000]	1,635,000	1,000,000	419,000
Operation and Maintenance, Defense-w/ir	[2,000,000]	2,327,900	2,000,000	404,000
Total Operations and Maintenance		16,225,248	20,500,000	16,405,000
OTHER PROGRAMS				
Defense Working Capital Funds (Fuel price increase) /a				1,478,000
Defense Health Program		75,000		780,000
Total Other Programs		75,000		2,258,000
MILITARY PERSONNEL				
Total Military Personnel		5,305,000	2,000,000	1,250,000
Iraq Freedom Fund				3,892,000
Classified Programs /a,c	25,000,000		2,500,000	[1,800,000]
Transfer Authority /a		[2,500,000]		[1,500,000]
Total	25,000,000	25,000,000	25,000,000	25,000,000

1/ President's Request amounts for O&M are notional allocations - the full \$25 billion was requested as a contingent emergency reserve fund.

a/ Values in brackets are non-additive

b/ Values in italics were originally in base SASC Authorization Bill

c/ Of the funds available in the Iraq Freedom Fund and only for classified activities

Title XV-Additional War-Related Appropriations
(Dollars in Thousands)

PROGRAM TITLE	<u>Request¹</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Agreement</u>
PROCUREMENT				
Aircraft Procurement, Army				
Aviation combat loss replacement		498,300		
Total Aircraft Procurement, Army		498,300		
Missile Procurement, Army				
Javelin, modularity		42,800		
Total Missile Procurement, Army		42,800		
Weapons and Tracked Combat Vehicles Procurement, Army				
XM-8 assault weapon, modularity /b		25,900	13,000	10,000
XM-8 - additional LRIP after fielding to ECTs /a,b			[13,000]	
Rapid fielding initiative /b		166,600	25,900	40,000
Rapid fielding initiative (Additional M249 SAWs) /a,b			[8,400]	
Rapid fielding initiative (Additional SAW items) /a,b			[7,800]	
Rapid fielding initiative (mags, sights, w/a pks) /a,b			[9,700]	
Weapons and Tracked Vehicles Procurement, modularity		9,400		
Total WTCV, Army		201,900		50,000
Ammunition Procurement, Army				
Incremental wartime costs				31,250
Small arms ammunition, modularity		78,750		78,750
Total Ammunition Procurement, Army		78,750		110,000

Title XV-Additional War-Related Appropriations
(Dollars in Thousands)

PROGRAM TITLE	<u>Request¹</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Agreement</u>
Other Procurement, Army				
Incremental wartime costs				18,000
Shadow UAV, force protection		125,200		
M1114 Up-Armor HMMWV, force protection / Armored HMMWVs /b		704,700	315,000	572,000
Up-armored HMMWV production /a,b			[315,000]	
Vehicle bolt-on armor and emerging requirements /b		332,400	610,000	100,000
Up-armored HMMWVs or armor kits for trucks /a,b			[610,000]	
Rapid Fielding Initiative /b		130,800	14,000	65,000
Rapid fielding initiative (MBITR) /a,b			[14,000]	
Other Procurement, modularity		249,200		
Trucks combat loss replacement		25,110		
Total Other Procurement, Army		1,567,410		755,000
National Guard and Reserve Equipment, Army				
Equipment for deployment to OIF/OEF		50,000		50,000
Total for NGRE, Army		50,000		50,000
Total, Procurement, Army		2,439,160		965,000
Ammunition Procurement, Marine Corps				
Incremental wartime costs		38,402		30,000
Unfunded requirements		38,402		30,000
Total Ammunition Procurement, Marine Corps				

Title XV-Additional War-Related Appropriations
(Dollars in Thousands)

PROGRAM TITLE	<u>Request¹</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Agreement</u>
Other Procurement, Marine Corps				
Shadow TUV		46,680		
Silver Fox UAV		6,110		
Unfunded requirements		45,400		
Bolt-on Armor Kits / Vehicle hardening				150,000
Total Other Procurement, Marine Corps		98,190		150,000
Total, Procurement, Navy and Marine Corps		136,592		180,000
 Aircraft Procurement, Air Force				
Predator A, force protection		99,000		
Total Aircraft Procurement, Air Force		99,000		
Total, Procurement, Air Force		99,000		
 Procurement, Defense-wide				
SOCOM unfunded requirements		60,000		50,000
Other programs		660,000		50,000
Total Procurement, Defense-wide		720,000		50,000
Total Procurement		3,394,752		1,195,000

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Title XV-Additional War-Related Appropriations
(Dollars in Thousands)

PROGRAM TITLE	<u>Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Agreement</u>
OPERATIONS AND MAINTENANCE				
Operation and Maintenance, Army				
Incremental wartime costs		8,505,763	14,500,000	12,088,750
Costs associated with active end strength increase		260,000		390,000
Depot maintenance		205,250		205,250
Rapid fielding initiative /b		219,700	262,000	500,000
Rapid fielding initiative for the Army /a			[262,000]	
Interceptor body armor /b		295,000	295,000	295,000
Interceptor body armor for the Army /a			[295,000]	
Interceptor body armor deltoid & auxiliary detection		30,000		39,600
Modularity (OPEMPO)		31,400		31,400
Total Operations and Maintenance, Army /a	[14,000,000]	9,607,113	14,500,000	13,550,000
Operation and Maintenance, Navy				
Incremental wartime costs		180,500	1,000,000	242,300
Depot maintenance		76,000		66,000
Ship depot maintenance /b			58,700	58,700
CVN 73, SSN708, SSN 709 /a,b			[58,700]	
Total Operations and Maintenance, Navy /a	[1,000,000]	256,500	1,000,000	367,000
Operation and Maintenance, Marine Corps				
Incremental wartime costs		2,301,860	2,000,000	1,529,000
Marine Corps active end strength increase (,000 personnel)		30,000		15,000
Depot maintenance		26,875		26,875
Initial issue		40,000		40,000

Title XV-Additional War-Related Appropriations

(Dollars in Thousands)

PROGRAM TITLE	Request ¹	House Authorized	Senate Authorized	Conference Agreement
Interceptor body armor /b			16,600	54,125
Interceptor body armor for the Marine Corps /a,b			[14,400]	
Interceptor body armor for the Marine Corps Reserve /a,b			[2,200]	
Total Operations and Maintenance, Marine Corps /a	[2,000,000]	2,398,735	2,000,000	1,665,000
Operation and Maintenance, Air Force				
Incremental wartime costs		1,515,000	1,000,000	275,000
Depot maintenance		76,000		
Interceptor body armor		44,000		144,000
Total Operations and Maintenance, Air Force /a	[1,000,000]	1,635,000	1,000,000	419,000
Operation and Maintenance, Defense-wide				
Incremental wartime costs		663,900	2,000,000	335,000
Army active end strength increase		44,000		66,000
Marine Corps active end strength increase (6,000 personnel)		5,000		3,000
Technical Support Working Group		75,000		
Other Programs		1,540,000		
Total Operations and Maintenance, Defense-wide /a	[2,000,000]	2,327,900	2,000,000	404,000
Total Operations and Maintenance		16,225,248	20,500,000	16,405,000
OTHER PROGRAMS				
Defense Working Capital Funds (Fuel price increase) /a				1,478,000

Title XV-Additional War-Related Appropriations
(Dollars in Thousands)

PROGRAM TITLE	<u>Request¹</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Agreement</u>
Defense Health Program				
Army active end strength increase		59,000		89,000
Marine Corps active end strength increase (3,000 personnel)		16,000		8,000
Increased Medical Costs for TRICARE including Ready Reserve				683,000
Total Defense Health Program		75,000		780,000
Total Other Programs		75,000		2,258,000
MILITARY PERSONNEL				
Incremental wartime costs				
Army active end strength increase		4,400,000	2,000,000	182,500
Marine Corps active end strength increase (3,000 personnel)		605,000		908,000
Marine Corps additional manpower costs		159,000		80,000
Extension of imminent danger pay		86,000		24,500
Extension of family separation allowance		55,000		55,000
Total Military Personnel		5,305,000	2,000,000	1,250,000
Iraq Freedom Fund				
Classified Programs /a,c	25,000,000		2,500,000	3,892,000
Transfer Authority /a		[2,500,000]		[1,800,000]
Total		25,000,000	25,000,000	25,000,000

1/ President's Request amounts for O&M are national allocations - the full \$25 billion was requested as a contingent emergency reserve fund.

a/ Values in brackets are non-additive

b/ Values in italics were originally in base SASC Authorization Bill

c/ Of the funds available in the Iraq Freedom Fund and only for classified activities

Legislative Provisions Adopted

Purpose (sec. 1501)

The House bill contained a provision (sec. 1501) that would establish a title as an authorization of appropriations for the Department of Defense for fiscal year 2005, in addition to amounts otherwise authorized in this Act, to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

The Senate amendment contained a similar provision (sec. 1006) that would authorize a contingent emergency reserve fund for ongoing operations in Iraq and Afghanistan.

The Senate recedes with an amendment that would establish this title to provide additional funds for ongoing operations in Iraq and Afghanistan.

Army Procurement (sec. 1502)

The House bill contained a provision (sec. 1511) that would authorize an additional \$2,439.2 million for fiscal year 2005 in Procurement, Army.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize \$965.0 million for fiscal year 2005 in Procurement, Army. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Navy and Marine Corps Procurement (sec. 1503)

The House bill contained a provision (sec. 1512) that would authorize an additional \$136.6 million for fiscal year 2005 in Procurement, Navy and Marine Corps.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize \$180.0 million for fiscal year 2005 in Procurement, Navy and Marine Corps. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Defense-wide activities procurement (sec. 1504)

The House bill contained a provision (sec. 1514) that would authorize an additional \$720.0 million for fiscal year 2005 in Procurement, Defense-wide.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize \$50.0 million for fiscal year 2005 in Procurement, Defense-wide. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Operation and maintenance (sec. 1505)

The House bill contained a provision (sec. 1515) that would authorize an additional \$16,225.2 million for fiscal year 2005 operation and maintenance programs.

The Senate amendment contained a similar provision (sec. 1006) that would authorize an additional \$20,500.0 million for operation and maintenance programs within a contingent emergency response fund.

The Senate recedes with an amendment that would authorize \$16,405.0 million for fiscal year 2005 for operation and maintenance programs. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Defense working capital funds (sec. 1506)

The Senate amendment contained a provision (sec. 1006) that would authorize \$2,500.0 million within a contingent emergency response fund transfer account to be available for the costs of ongoing military operations in Iraq and Afghanistan.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize \$1,478.0 million for the Defense Working Capital Fund Program.

Iraq Freedom Fund (sec. 1507)

The Senate amendment contained a provision (sec. 1006) that would authorize \$2,500.0 million within a contingent emergency response fund transfer account to be available for the costs of ongoing military operations in Iraq and Afghanistan.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize a \$3,892.0 million for the Iraq Freedom Fund to remain available for transfer until September 30, 2006, of which \$1,800.0 million shall be available for classified programs.

Defense health program (sec. 1508)

The House bill contained a provision (sec. 1516) that would authorize an additional \$75.0 million for fiscal year 2005 Defense Health Program activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize \$780.0 million for fiscal year 2005 for Defense Health Program activities. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Military personnel (sec. 1509)

The House bill contained a provision (sec. 1517) that would authorize an additional \$5,305.0 million for fiscal year 2005 military personnel accounts.

The Senate amendment contained a similar provision (sec. 1006) that would authorize an additional \$2,000.0 million for fiscal year 2005 military personnel accounts within a contingent emergency response fund.

The Senate recedes with an amendment that would authorize \$1,250.0 million for fiscal year 2005 military personnel accounts. Unless noted explicitly in statement of managers, all changes are made without prejudice.

Treatment as additional authorizations (sec. 1510)

The House bill contained a provision (sec. 1518) that would provide that the \$25.0 billion authorized for emergency contingency operations related to Operation Iraqi Freedom and Operation Enduring Freedom are in addition to the amounts otherwise authorized in this Act.

The Senate amendment contained a similar provision (sec. 1006).

The Senate recedes.

Transfer authority (sec. 1511)

The House bill contained a provision (sec. 1519) that would provide fiscal year 2005 transfer authority of \$2.5 billion to the Department of Defense for the authorizations contained in title XV of their bill.

The Senate amendment contained a similar provision (sec. 1006).

The Senate recedes with an amendment that would provide fiscal year 2005 transfer authority of \$1.5 billion to the Department for the authorizations contained in this title.

Legislative Provisions Not Adopted

Procurement, Air Force

The House bill contained a provision (sec. 1513) that would authorize an additional \$99.0 million for fiscal year 2005 in Procurement, Air Force.

The Senate amendment contained no similar provision.

The House recedes.

Designation of Emergency Authorization

The House bill contained a provision (sec. 1520) that would authorize \$25.0 billion for fiscal year 2005 to support emergency contingency operations related to the global war on terrorism.

The Senate amendment contained no similar provision.

The House recedes.

Three-year increase in active Army strength levels

The House bill contained provisions (sec. 1531 and 1532) that would increase the active Army and Marine Corps end strength authorized for fiscal year 2005 by 10,000 and 3,000 respectively above the authorization in section 401 of the National Defense Authorization Act for Fiscal Year 2004. These provisions would also authorize corresponding active-duty Army and Marine Corps end strengths for fiscal years 2006 and 2007 and prescribe corresponding minimum end strengths under section 691(b) of title

10, United States Code.

The Senate amendment contained a provision (sec. 402) that would authorize a temporary increase in the Army's active-duty end strength of up to 30,000 during fiscal years 2005 through 2009. The provision would require that if the Secretary of Defense plans to increase the Army active-duty end strength above the levels authorized for fiscal year 2004, then the budget for the Department for such fiscal years as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army in excess of 482,400.

The House recedes with an amendment that would authorize a temporary increase in the Marine Corps' active-duty end strength of up to 9,000 over 175,000, the level set forth in section 401 of the National Defense Authorization Act for Fiscal Year 2004 during fiscal years 2005 through 2009. The amendment would also require that if the Secretary of Defense plans to increase the Army or Marine Corps active-duty end strength for a fiscal year, then the budget for the Department for such fiscal years as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army or Marine Corps in excess of 482,400 and 175,000 respectively.

DIVISION B-MILITARY CONSTRUCTION AUTHORIZATIONS

Overview

The administration originally requested authorization of appropriations in fiscal year 2005 for military construction and housing programs totaling \$9,450,475,000. The administration's amended budget for authorization of appropriations totaled \$9,480,475,000, after adding certain military construction projects for the Army National Guard totaling \$30.0 million.

The House bill would authorize appropriations totaling \$9,930.5 million for military construction and family housing programs.

The Senate amendment would authorize appropriations totaling \$9,822.9 million for military construction and family housing programs.

The conferees recommend authorization of appropriations of \$9,930.1 million for the military construction and family housing accounts of the Department of Defense for fiscal year 2005. The authorization of appropriations includes the use of \$130.0 million from prior-year recissions. The conference agreement is consistent with a budget authority level of \$10,003.0 million for military construction and family housing programs.

The following tables provide the project-level authorizations for the military construction funding authorized in Division B of this Act and summarize that funding by account. The tables also note as 'Budget Amend' the projects contained in a fiscal year 2005 amended budget request submitted by the administration on March 5, 2004.

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NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2005

(Dollars in Thousands)

	Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Military Construction					
Military Construction, Army	1,771,285	1,866,209	1,942,885	197,700	1,968,985
Military Construction, Navy	1,080,455	1,077,862	1,000,105	(4,170)	1,056,285
Military Construction, Air Force	663,964	798,624	782,469	189,911	853,875
Military Construction, Defense-Wide	699,437	708,937	682,337	(23,900)	675,537
Chemical Demilitarization Construction	81,886	81,886	81,886	0	81,886
NATO Security Investment Program	165,800	165,800	165,800	(5,000)	160,800
Foreign Currency Fluctuation				(63,000)	(63,000)
BRAC IV	246,116	246,116	246,116	0	246,116
Military Construction, Army National Guard	295,657	393,225	361,072	138,706	434,363
Military Construction, Air National Guard	127,368	184,620	214,418	106,150	233,518
Military Construction, Army Reserve	87,070	116,955	63,047	3,240	90,310
Military Construction, Naval and Marine Corps Reserve	25,285	30,955	25,285	22,900	48,185
Military Construction, Air Force Reserve	84,556	107,520	99,206	38,200	122,756
Total Military Construction	5,308,879	5,778,709	5,664,626	600,737	5,909,616
Family Housing					
Family Housing Construction, Army	636,099	636,099	636,099	0	636,099
Family Housing Support, Army	928,907	926,507	928,907	(2,400)	926,507
Family Housing Construction, Navy	139,107	139,107	139,107	0	139,107
Family Housing Support, Navy	704,504	696,304	704,504	(8,200)	696,304
Family Housing Construction, Air Force	846,959	846,959	846,959	0	846,959
Family Housing Support, Air Force	863,896	854,666	856,114	(10,512)	853,384
Family Housing Construction, Defense-Wide	49	49	49	0	49
Family Housing Support, Defense-Wide	49,575	49,575	49,575	0	49,575
Family Housing Improvement Fund	2,500	2,500	2,500	0	2,500
Total Family Housing	4,171,596	4,151,766	4,163,814	(21,112)	4,150,484
Total Military Construction and Family Housing	9,480,475	9,930,475	9,828,440	579,625	10,060,100
Prior Year Rescissions				(130,000)	(130,000)
Total Authorization of Appropriations	9,480,475	9,930,475	9,828,440	449,625	9,930,100

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Alabama	Army	Aniston AD	Powertrain Component Rebuilding Facility	23,690	23,690	23,690		23,690
Alabama	Army	Ft Rucker	Aircraft Maintenance Hangar			16,000	16,000	16,000
Alabama	MDA	Huntsville	MDA Center, Von Braun Complex, Phase 2	19,560	19,560	19,560		19,560
Alabama	Army National Guard	Centerville	Add/Alter Readiness Center (ADRS)	5,537	5,537	5,537		5,537
Alabama	Army National Guard	Clanton	Add/Alter Readiness Center (ADRS)	3,649	3,649	3,649		3,649
Alabama	Army National Guard	Oneonta	Add/Alter Readiness Center (ADRS)	4,527	4,527	4,527		4,527
Alabama	Army National Guard	Haleyville	Joint Armed Forces Reserve Center		13,849		13,849	13,849
Alaska	Army	Ft Richardson	Barracks Complex	7,600	7,600	7,600		7,600
Alaska	Army	Ft Richardson	Digital Multipurpose Training Range	13,600	13,600	13,600		13,600
Alaska	Army	Ft Richardson	Sniper Field Fire Range	3,100	3,100	3,100		3,100
Alaska	Army	Ft Wainwright	Barracks Complex - Lorraine Road	39,815	39,815	39,815		39,815
Alaska	Army	Ft Wainwright	Barracks Complex Renewal-Santiago Road	30,912	30,912	30,912		30,912
Alaska	Army	Ft Wainwright	Combined Arms Collective Training Facility	21,732	21,732	21,732		21,732
Alaska	Air Force	Elmendorf AFB	C-17 Flight Simulator Facility	7,700	7,700	7,700		7,700
Alaska	Air Force	Elmendorf AFB	C-17 Support Utilities	6,400	6,400	6,400		6,400
Alaska	Air Force	Elmendorf AFB	Fitness Center	11,957	11,957	11,957		11,957
Alaska	Air Force	Elmendorf AFB	Large Aircraft Maintenance Hangar			26,000	26,000	26,000
Alaska	TMA	Ft Wainwright	Hospital Replacement, Phase 6					
Arizona	Army	Ft Huachuca	Army Global Information Center			18,000	18,000	18,000
Arizona	Navy	MCAS Yuma	Bachelor Enlisted Quarters	18,740	18,740	18,740		18,740
Arizona	Navy	MCAS Yuma	Station Ordnance Area	7,930	7,930	7,930		7,930
Arizona	Air Force	Davis-Monthan AFB	Airfield Obstruction-Hazardous Cargo Pad	4,243	4,243	4,243		4,243
Arizona	Air Force	Davis-Monthan AFB	CSAR C-130 Squadron Operations	5,786	5,786	5,786		5,786
Arizona	Air Force	Davis-Monthan AFB	EC-130 Squadron Operations Facility		7,000		7,000	7,000
Arizona	Air Force	Luke AFB	Replace Litchfield Rd Underpass & Entry		7,900		7,900	7,900
Arizona	Air Force	Luke AFB	Construct Dormitory (120 Rm)	10,000	10,000	10,000		10,000
Arizona	Army National Guard	Camp Navajo	Qualification Training Range	3,000	3,000	3,000		3,000
Arkansas	Air Force	Little Rock AFB	C-130J ADAL Simulator Facility	5,031	5,031	5,031		5,031
Arkansas	Air Force	Little Rock AFB	Child Development Center		3,900		3,900	3,900
Arkansas	Army National Guard	Camp Robinson	Army Aviation Support Facility	33,020	33,020	33,020		33,020
Arkansas	Army National Guard	Ft Chaffee	Ammunition Supply Point	13,798	13,798	13,798		13,798
Arkansas	Air National Guard	Ft Smith	Vehicle Maintenance & Aerospace Complex			6,000	6,000	6,000
California	Army	Ft Irwin	CIDC Field Operations Building	2,600	2,600	2,600		2,600
California	Army	Ft Irwin	Command and Control Facility	21,000	21,000	21,000		21,000

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
California	Army	Fl Irwin	Land Acquisition, Phase 2	14,500	14,500	14,500		14,500
California	Army	Sierra Army Depot	Extend Runway			13,600	12,600	12,600
California	Navy	MAGTFTC Twenty-nine Palms	Operational Training Center		15,700	-	15,700	15,700
California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters,	19,975	19,975	19,975		19,975
California	Navy	MCB Camp Pendleton	Close Combat Battle Course	6,940	6,940	6,940		6,940
California	Navy	MCAS Camp Pendleton	Consolidated Operations Center	4,910	4,910			4,910
California	Navy	MCB Camp Pendleton	Tertiary Sewage Treatment Plant, Increment 2	25,690	25,690	25,690		25,690
California	Navy	MCAS Camp Pendleton	Weight Handling Shop	6,630	6,630	6,630		6,630
California	Navy	MLB Barstow	Blasting Facility		4,930	-	4,930	4,930
California	Navy	NAF El Centro	Hangar Recapitalization, West Apron, Incr 1	33,331	33,331	33,331		33,331
California	Navy	NAS North Island	Base Main Gate and Entrance Street		10,180	-	10,180	10,180
California	Navy	NSWC Division Corona	Warfare Assessment Laboratory Addition		9,850	-	9,850	9,850
California	Navy	Recruit Depot San Diego	Replace General Warehouse		-	8,110	8,110	8,110
California	Air Force	Beale AFB	Add to Age Facility, Global Hawk	1,866	1,866	1,866		1,866
California	Air Force	Beale AFB	Upgrade Dock 2, Global Hawk	8,320	8,320	8,320		8,320
California	Air Force	Edwards AFB	Addition/Renovate JSF Complex, Phase 2	9,965	9,965	9,965		9,965
California	Air Force	Travis AFB	Add C-17 Engine Storage Facility	2,400	2,400	2,400		2,400
California	Air Force	Travis AFB	C-17 Utilities/Road	12,844	12,844	12,844		12,844
California	Air Force	Travis AFB	Security Forces Armory/Combat Arms Campus		3,650	-	3,650	3,650
California	DLA	Travis AFB	Replace Hydrant Fuel System	15,100	15,100	15,100		15,100
California	Spec Ops	Corona	SOF MOUT Training Complex	13,600	13,600	13,600		13,600
California	Spec Ops	Niland****	SOF Ground Mobility Support Building	1,000	1,000	1,000		1,000
California	TMA	DLJ (Presidio)	Dental Clinic		6,700	-	6,700	6,700
California	Army National Guard	Camp Parks	Readiness Center (ADRS)	11,318	11,318	11,318		11,318
California	Air National Guard	Fresno-Yosemite	Medical Training & Security Forces Complex		-	4,700		-
California	Air Force Reserve	March ARB	Alter C-17 Hangar Tower	2,089	2,089	2,089		2,089
California	Air Force Reserve	March ARB	C-17 Maintenance Hangar, Phase 2	7,400	7,400	7,400		7,400
Colorado	Army	Fl Carson	Arrival Departure Air Control Group - Ph 1a	14,108	14,108	14,108	12,400	12,400
Colorado	Army	Fl Carson	Barracks Complex - Hospital Area	33,000	33,000	33,000		33,000
Colorado	Army	Fl Carson	Digital Multipurpose Training Range		-	3,650		-
Colorado	Army	Buckley AFB	Multipurpose Machine Gun Range	6,147	6,147	6,147		6,147
Colorado	Air Force	Buckley AFB	Chapel Center	6,100	6,100	6,100		6,100
Colorado	Army National Guard	Denver	Army Aviation Support Facility	34,000	34,000	34,000		34,000

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Colorado	Army National Guard	Ft Carson	Automated Qualification/Training Range	3,205	3,205	3,205		3,205
Colorado	Army Reserve	Aurora	Add/Alter Military Equipment Parking	1,758	1,758	1,758		1,758
Colorado	Chem DeMil	Pueblo AD	Ammunitions Demilitarization Facility, Ph 5	44,792	44,792	44,792		44,792
Colorado	TMA	Buckley AFB	Add/Alter Aeromedical Clinic	2,100	2,100	2,100		2,100
Connecticut	Navy	NSB New London	Gates 3 and 5 Security Improvements	4,420	4,420	4,420	4,420	4,420
Connecticut	Navy	NSB New London	MK-10 Submarine Escape Trainer	17,100	17,100	17,100		17,100
Connecticut	Navy	NSB New London	Pier 6 Replacement	28,782	28,782	28,782		28,782
Connecticut	Army National Guard	Southington	Add/Alter Readiness Center	4,087	4,087	-	4,087	4,087
Delaware	Air Force	Dover AFB	Control Tower	-	-	9,500	9,500	9,500
Distr Columbia	Navy	Naval Observatory	Atomic Clock Vault	3,239	3,239	3,239		3,239
Distr Columbia	DIA	Bolling AFB	Upgrade HVAC to DIAC	6,000	6,000	6,000		6,000
Florida	Army	Camp Rudder	Revitalize Ranger Barracks 6012	-	-	-	1,850	1,850
Florida	Navy	Eglin AFB	Base Road Construction	2,060	2,060	2,060		2,060
Florida	Navy	NS Mayport	Airfield Control Tower	6,200	6,200	6,200		6,200
Florida	Air Force	Tyndall AFB	Security Forces Operations Facility	-	-	8,800	8,800	8,800
Florida	Air Force	Tyndall AFB	1 AF Headquarters / AFFOR Center Ph 1	10,200	10,200	-	10,200	10,200
Florida	Air Force	Tyndall AFB	Addition F-22 Operations Facility	1,548	1,548	-	(1,548)	7,414
Florida	Air Force	Tyndall AFB	F-22 Squadron Ops/Aircraft Maint Unit/Hangar	17,414	17,414	-	(10,000)	2,500
Florida	Spec Ops	Hurlburt Field	SOF Operations Training Facility	2,500	2,500	-	2,500	2,500
Florida	TMA	Jacksonville	Add/Alter Hospital	28,438	28,438	28,438		28,438
Florida	Army National Guard	Camp Blanding	Regional Training Institute, Phase 1	12,000	12,000	-	12,000	12,000
Florida	Air National Guard	Jacksonville Int Airport	F-15 Corrosion Control Facility	4,000	4,000	-	4,000	4,000
Florida	Navy Reserve	Jacksonville	New Reserve Training Center	9,300	9,300	9,300		9,300
Florida	Air Force Reserve	Homestead AFB	Visitor's Quarters, Ph 1	6,570	-	-	-	-
Georgia	Army	Ft Benning	Barracks Complex - Kelly Hill/Main Post	49,565	49,565	49,565		49,565
Georgia	Army	Ft Benning	Hazardous Cargo Loading Apron	3,850	3,850	3,850		3,850
Georgia	Army	Ft Benning	Physical Fitness Training Center	18,362	18,362	18,362		18,362
Georgia	Army	Ft Benning	Revitalize Ranger Barracks 6012***	1,850	1,850	-	-	-
Georgia	Army	Ft Gillem	Recruiting Brigade Operations Building	5,800	5,800	5,800		5,800
Georgia	Army	Ft McPherson	Child Development Center	4,900	4,900	4,900		4,900
Georgia	Army	Ft Stewart/Hunter AAF	Aircraft Maintenance Hanger (SOF)	21,100	21,100	21,100		21,100
Georgia	Army	Ft Stewart/Hunter AAF	Barracks Complex-5th & 16th St, Phase 2	32,950	32,950	32,950		32,950
Georgia	Army	Ft Stewart/Hunter AAF	Chapel	9,500	9,500	9,500		9,500
Georgia	Army	Ft Stewart/Hunter AAF	Command and Control Facility	24,695	24,695	24,695		24,695

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Georgia	Army	Fort Stewart/Hunter AAF	Tactical Equipment Complex	10,200	10,200	10,200		10,200
Georgia	Navy	SWFLANT Kings Bay	Enclave Fencing and Parking	16,000	16,000	16,000		16,000
Georgia	Air Force	Moody AFB	Consolidated Base Support Center		9,600	9,600	9,600	9,600
Georgia	Air Force	Robins AFB	Aircraft Ramp	15,000	15,000	15,000		15,000
Georgia	Air Force	Robins AFB	Fire/Crash Rescue Station		6,570		6,900	6,900
Georgia	Spec Ops	Fort Stewart/Hunter AAF	SOF Battalion Operations Complex	17,600	17,600	17,600		17,600
Georgia	TMA	Fort Benning	Consolidated Health Clinic	7,100	7,100	7,100		7,100
Georgia	Army National Guard	Savannah	Army Aviation Support Facility	16,554	16,554	16,554		16,554
Georgia	Air Force Reserve	Dobbins AFB	Upgrade Maintenance Bays		10,000		10,000	10,000
Hawaii	Army	Healemano Mil. Res.	Drum Road Upgrade, Phase 1	27,000	27,000	27,000		27,000
Hawaii	Army	Healemano Mil. Res.	Tank Trails - Healemano	7,300	7,300	7,300		7,300
Hawaii	Army	Hickam AFB	Hot Cargo Pad Expansion	11,200	11,200	11,200		11,200
Hawaii	Army	Pohakuloa	West PTA Modifications	30,000	30,000	30,000		30,000
Hawaii	Army	Pohakuloa	Access Road (Saddle Road)		10,000		8,000	8,000
Hawaii	Army	Schofield Barracks	Barracks Complex Renewal - Quad E, Ph 2	36,000	36,000	36,000		36,000
Hawaii	Army	Schofield Barracks	Barracks Complex Renewal-Capron Ave, Ph 3	48,000	48,000	48,000		48,000
Hawaii	Army	Schofield Barracks	Battle Area Live Fire Complex	32,000	32,000	32,000		32,000
Hawaii	Army	Schofield Barracks	Combined Arms Collective Training Facility	32,542	32,542	32,542		32,542
Hawaii	Army	Schofield Barracks	Fire Station	4,800	4,800	4,800		4,800
Hawaii	Army	Schofield Barracks	Qualification Training Range	4,950	4,950	4,950		4,950
Hawaii	Army	Schofield Barracks	Tactical Vehicle Wash Facility	3,500	3,500	3,500		3,500
Hawaii	Army	Schofield Barracks	Vehicle Maintenance Facility, Phase 1	49,000	49,000	49,000		49,000
Hawaii	Army	Schofield Barracks	Deployment Facility	24,000	24,000	24,000		24,000
Hawaii	Army	Wheeler AAF	Drydock 4 Shorepower Improvements		5,100		5,100	5,100
Hawaii	Navy	NAVSHPYD Pearl Harbor	Alter C-17 Maintenance/Supply Areas	9,000	9,000	9,000		9,000
Hawaii	Air Force	Hickam AFB	C-17 Clear Water Rinse	4,300	4,300	4,300		4,300
Hawaii	Air Force	Hickam AFB	C-17 Maintenance Shop Facility	8,200	8,200	8,200		8,200
Hawaii	Air Force	Hickam AFB	C-17 Munitions Storage	1,950	1,950	1,950		1,950
Hawaii	Air Force	Hickam AFB	C-17 Support Utilities, Phase 2	2,450	2,450	2,450		2,450
Hawaii	Air Force	Hickam AFB	Upgrade Electrical Distribution System, Ph 2				5,000	5,000
Hawaii	Air Force	Maui Site	AEOS Primary Mirror Coating Facility			7,500	7,500	7,500
Hawaii	DLA	NS Pearl Harbor	Multi-Product Interface Tank	3,500	3,500	3,500		3,500
Hawaii	Air National Guard	Gowen Field	ADAL Base Supply Complex				3,500	3,500
Idaho	Navy	NSTC Great Lakes	Battle Stations Training Facility, Increment 2	58,200	58,200	58,200		58,200

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Illinois	Navy	NSTC Great Lakes	RTC Barracks	38,851	38,851	38,851		38,851
Illinois	Navy	NSTC Great Lakes	RTC Barracks	35,920	35,920	35,920	4,400	35,920
Illinois	Army National Guard	Galesburg	Readiness Center (ADRS) Phase 2		4,400			4,400
Illinois	Army National Guard	Galesburg	Readiness Center			4,000		
Illinois	Army National Guard	Springfield	Total Army School System	13,596	13,596	13,596		13,596
Indiana	Navy	NSWC Crane	COTS Product Assurance & Tech Mgmt Facility		10,580		12,600	12,600
Indiana	Army National Guard	Remington	Add/Alter Readiness Center (ADRS)	1,458	1,458	1,458		1,458
Indiana	Army National Guard	Remington	Armed Forces Reserve Center			9,380	9,380	9,380
Iowa	Army National Guard	Gary	Company Grade BOQ		3,485	3,485	3,485	3,485
Kansas	Army National Guard	Camp Dodge	Lewis & Clark Instructional Facility, Phase 2	44,000	44,000	44,000		44,000
Kansas	Army National Guard	Fort Leavenworth	AFS Technical Maintenance Facility			15,500	15,500	15,500
Kansas	Army	Fort Riley	Barracks Complex Renewal	41,000	41,000	41,000		41,000
Kansas	Army	Fort Riley	Communications Center	3,050	3,050	3,050		3,050
Kansas	Army	Fort Riley	Add/Alter Readiness Center (ADRS)	3,086	3,086	3,086		3,086
Kansas	Army National Guard	Topeka	Replace Operations and Training Complex		9,800		9,800	9,800
Kansas	Air National Guard	Forbes Field	Army Reserve Center/Organization Maint Spt			7,451		7,451
Kansas	Army Reserve	ARC Hays	AR Ctr / OMS / AMSA / Unheated Storage	7,451	7,451	7,451		7,451
Kansas	Army Reserve	New Century	Airfield Vehicle Support Facility		8,723		8,723	8,723
Kentucky	Army	Fort Campbell	Barracks Complex - 42nd St/Indiana Ave, Ph 1	30,000	30,000	30,000		30,000
Kentucky	Army	Fort Campbell	Barracks Complex - 42nd St/Indiana Ave, Ph 1	33,000	33,000	33,000		33,000
Kentucky	Army	Fort Campbell	Command and Control Facility	1,600	1,600	1,600		1,600
Kentucky	Army	Fort Campbell	Shoot House			1,900	1,900	1,900
Kentucky	Army	Fort Knox	Construct Urban Assault Course			1,850	1,850	1,850
Kentucky	Army	Fort Knox	Shoot House	50,000	50,000	50,000		50,000
Kentucky	Army	Fort Knox	Trainee Barracks Basic Training Cplx 1, Ph 1			3,500	3,500	3,500
Kentucky	Spec Ops	Fort Campbell	Aquatic Training Facility, SOAR	37,094	37,094	37,094		37,094
Kentucky	Chem DeMil	Blue Grass AD	Ammunition Demilitarization Facility, Phase 5	7,500	7,500	7,500		7,500
Louisiana	Army	Fort Polk	Fixed Wing Aircraft Parking Apron	25,000	25,000	25,000		25,000
Louisiana	Army	Fort Polk	Hazard Cargo Loading Apron	14,503	14,503	14,503		14,503
Louisiana	Army	Fort Polk	Pallet Processing Facility	8,800	8,800	8,800		8,800
Louisiana	Army	Fort Polk	Passenger Processing Facility	11,700	11,700	11,700		11,700
Louisiana	Army	Fort Polk	Urban Assault Course	3,450	3,450	3,450		3,450
Louisiana	Army	Fort Polk	Child Development Center					
Louisiana	Navy	JRB NAS New Orleans	Indoor Small Arms Range		3,450			
Louisiana	Navy	JRB NAS New Orleans			2,580			

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Louisiana	Air Force	Barksdale AFB	Dormitory (168 Rm)	13,800	13,800	13,800	-	13,800
Louisiana	Army National Guard	Camp Beauregard	Add/Alter Army Aviation Support Facility	15,738	15,738	15,738	-	15,738
Louisiana	Navy Reserve	NAS JRB New Orleans	Child Development Center	-	-	-	3,450	3,450
Louisiana	Navy Reserve	NAS JRB New Orleans	Indoor Small Arms Range	-	-	-	2,580	2,580
Louisiana	Air Force Reserve	Barksdale AFB	Operations Facility, 93rd Squadron	-	-	5,300	4,800	4,800
Maine	Navy	NAS Brunswick	Replace Weapons Magazine	-	-	4,690	6,220	6,220
Maine	Navy	Portsmouth NS	Acoustic Test and Calibration Facility	-	-	7,860	-	-
Maryland	Army	Aberdeen PG	Chemical and Bio Sample Reception Facility	-	-	13,000	13,000	13,000
Maryland	Army	FT Detrick	Remodel Truck Inspection Station	-	4,000	-	4,000	4,000
Maryland	Navy	NSWC Indian Head	AGILE Chemical Facility	13,900	13,900	13,900	-	13,900
Maryland	Navy	NSWC Indian Head	Joint Aircrew Escape Component Center	-	9,100	-	9,100	9,100
Maryland	Navy	Andrews AFB	ASA-After Aircraft Support Facilities	5,000	5,000	5,000	-	5,000
Maryland	Air Force	Andrews AFB	ASA-Fighter Aircraft Alert Complex	11,000	11,000	11,000	-	11,000
Maryland	Air Force	Andrews AFB	ASA-Munitions Storage Igloo	1,100	1,100	1,100	-	1,100
Maryland	NSA	FT Meade	Critical Communication Path	3,450	3,450	3,450	-	3,450
Maryland	NSA	FT Meade	NSA Deep Wells	8,140	8,140	8,140	-	8,140
Maryland	NSA	FT Meade	Reconfigured Chilled Water, Phase 2	3,417	3,417	3,417	-	3,417
Maryland	Army Reserve	FT Meade	Army Reserve Ctr/OMS/Unheat Storage, Ph 2	14,642	14,642	14,642	-	14,642
Massachusetts	Air National Guard	Otis ANG Base	Eliminate Airfield Obstructions	4,000	4,000	4,000	-	4,000
Massachusetts	Air National Guard	Otis ANG Base	Replace Control Tower	-	7,000	-	7,000	7,000
Massachusetts	Air Force Reserve	Westover ARB	Base Operations Facility	-	4,400	-	4,400	4,400
Massachusetts	Army National Guard	Grand Ledge	Squadron Operations Training Facility	27,600	27,600	27,600	-	27,600
Michigan	Air National Guard	Alpena	Fire Crash Rescue Station	-	-	8,500	-	-
Michigan	Air National Guard	Kellogg Field	Joint Security Forces Facility	-	-	5,100	-	-
Michigan	Air National Guard	Selfridge ANG Base	Visitors Center and ID Complex	-	4,000	-	9,700	9,700
Michigan	Air National Guard	Selfridge ANG Base	Fire Crash/Rescue Station	-	5,100	-	5,100	5,100
Minnesota	Air National Guard	W.K. Kellogg	ASA - Alert Crew Quarters	3,000	3,000	3,000	-	3,000
Minnesota	Air National Guard	Duluth IAP (ANG)	ASA - Arm, Dearm Apron and Taxiway	4,000	4,000	4,000	-	4,000
Minnesota	Air National Guard	Duluth IAP (ANG)	ASA - Relocate Base Entrance Road	3,500	3,500	3,500	-	3,500
Minnesota	Air National Guard	Duluth IAP (ANG)	Add/Alter Joint Use Physical Fitness Center	-	4,400	-	4,400	4,400
Minnesota	Air Force Reserve	Minneapolis St Paul ARS	Add/Alter Joint Use Physical Fitness Center	-	-	4,950	4,950	4,950
Minnesota	Air Force Reserve	Minneapolis St Paul ARS	Joint Security Forces Building	-	-	4,350	-	-
Mississippi	Navy	Gulfport	Vehicle Maintenance Facility	-	-	-	-	-

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Military Construction Authorizations for FY2005
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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Mississippi	Air Force	Columbus AFB	Fire Crash Rescue Station		7,700	7,700	7,700	7,700
Mississippi	Army National Guard	Camp Shelby	MOUT Collective Training Facility (Small)		5,300	-	5,300	5,300
Mississippi	Army National Guard	Camp Shelby	Wastewater Treatment Facility		-	-	2,700	2,700
Mississippi	Army National Guard	Gulfport	Organizational Maintenance Shop		-	4,650	4,650	4,650
Mississippi	Spec Ops	Sennis Space Center	Combatant Craft Operations Facility		-	6,000	-	-
Mississippi	Navy Reserve	Gulfport	Vehicle Maintenance Facility		-	-	4,350	4,350
Missouri	Army	Ft Leonard Wood	Countermine Training Complex, Phase 1		3,700	10,400	10,400	10,400
Missouri	Army	Ft Leonard Wood	Mine Detection Dog Kennel		3,700	-	3,700	3,700
Missouri	Army	Ft Leonard Wood	Construct Range	2,750	2,750	2,750	2,750	2,750
Missouri	Army	Ft Leonard Wood	WMD Respond Training Facility	15,000	15,000	15,000	15,000	15,000
Missouri	Army	Ft Leonard Wood	Child Development Center		7,600	-	7,600	7,600
Montana	Air Force	Whiteman AFB	Construct Corrosion Control/AGE Facility		-	5,600	5,600	5,600
Montana	Air Force	Malmstrom AFB	Readiness Center		-	4,786	4,786	4,786
Montana	Army National Guard	Dillon	Add/Alter Readiness Center (ADRS)	2,398	2,398	2,398	2,398	2,398
Montana	Army National Guard	Havre	Add/Alter Army Aviation Support Facility, Ph 1	7,600	7,600	7,600	7,600	7,600
Montana	Army National Guard	Helena	Replace Control Tower		-	6,721	6,221	6,221
Nebraska	Air Force	Offutt AFB	Modified Record Fire Range	1,487	1,487	1,487	1,487	1,487
Nebraska	Army National Guard	Hastings	High Explosives Magazine		4,980	4,980	4,980	4,980
Nevada	Navy	NAS Fallon	Readiness Center		-	12,853	12,853	12,853
Nevada	Army National Guard	Henderson	Upgrade Aircraft Parking Apron Phase 2		4,900	-	4,900	4,900
New Hampshire	Air National Guard	Pease Intl Port ANGB	Repair Aircraft Parking Ramp		-	4,900	-	-
New Hampshire	Air National Guard	Pease ANGB	Pyrotechnics Facility		9,900	-	9,900	9,900
New Jersey	Army	Picatinny Arsenal	General Purpose Berthing Pier, Increment 2	49,200	49,200	49,200	49,200	49,200
New Jersey	Navy	LANTORDCOM DET Earle	ASA - Replace Alert Complex	10,400	10,400	10,400	10,400	10,400
New Jersey	Air National Guard	Atlantic City IAP (ANG)	Replace Alert 2 Shelters		2,300	-	2,300	2,300
New Jersey	Air National Guard	Atlantic City IAP (ANG)	Controlled Humidity Storage, Ph 1		9,502	-	9,502	9,502
New Jersey	Army Reserve	Ft Dix	Electromagnetic Vulnerability Assessment	33,000	33,000	33,000	33,000	33,000
New Mexico	Army	White Sands Missile Range	Dining Facility		-	9,500	9,500	9,500
New Mexico	Air Force	Cannon AFB	Corrosion Control Facility		9,200	-	9,200	9,200
New Mexico	Air Force	Kirtland AFB	Airfield Arrival/Departure Facility	4,950	4,950	4,950	4,950	4,950
New York	Army	Ft Drum	Barracks Complex-Wheeler Sack AAF, Ph 2	48,000	48,000	48,000	48,000	48,000
New York	Army	Ft Drum	Defensive Live Fire Range		3,000	3,000	3,000	3,000
New York	Army	Ft Drum	Upgrade Educational Transitional Facilities		5,700	-	5,700	5,700
New York	Army	Ft Hamilton	Military Police Station	7,600	7,600	7,600	7,600	7,600

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
New York	Army	Hancock Field	Military Entrance Processing Station	6,200	6,200	-	6,000	6,000
New York	Army	MEPS Buffalo	Military Entrance Processing Station	6,200	6,200	6,200	6,200	6,200
New York	Army	USMA West Point	Library & Learning Center, Phase 1	34,500	34,500	34,500	34,500	34,500
New York	Army National Guard	Utica	Addition Readiness Center (ADRS)	5,704	5,704	5,704	5,704	5,704
New York	Army National Guard	Auburn	Addition Readiness Center (ADRS)	4,406	4,406	4,406	4,406	4,406
New York	Army National Guard	Auburn	Organizational Maintenance Shop (ADRS)	2,472	2,472	2,472	2,472	2,472
New York	Army National Guard	Kingston	Organizational Maintenance Shop (ADRS)	3,827	3,827	3,827	3,827	3,827
New York	Army National Guard	Ft Drum	Readiness Center (ADRS)	6,489	6,489	6,489	6,489	6,489
New York	Army National Guard	Hancock Field	Replace Mobility Processing Center	2,300	2,300	-	2,300	2,300
New York	Air National Guard	Niagara ARS	Fire & Crash Rescue Station	7,800	7,800	-	7,800	7,800
New York	Air Force Reserve	Ft Bragg	Air Traffic Control Tower	2,500	2,500	2,500	2,500	2,500
North Carolina	Army	Ft Bragg	Barracks Complex - Armistead St. Ph 2	15,500	15,500	-	10,000	10,000
North Carolina	Army	Ft Bragg	Barracks Complex - Donovan Street, Phase 5	49,000	49,000	15,500	15,500	15,500
North Carolina	Army	Ft Bragg	Barracks Complex - Renewal Blackjack St. Ph 1	48,000	48,000	49,000	49,000	49,000
North Carolina	Army	Ft Bragg	Barracks Complex - Bastogene Dr. Phase 2	1,650	1,650	48,000	48,000	48,000
North Carolina	Army	Ft Bragg	Shoot House	2,037	2,037	1,650	1,650	1,650
North Carolina	Army	Ft Bragg	Shoot House	12,090	12,090	2,037	2,037	2,037
North Carolina	Army	MCAS New River	Aircraft Maintenance Training Facility	20,780	20,780	12,090	12,090	12,090
North Carolina	Navy	MCAS New River	Bachelor Enlisted Quarters	2,270	2,270	20,780	20,780	20,780
North Carolina	Navy	MCAS New River	Simulator Building Addition	4,010	4,010	2,270	2,270	2,270
North Carolina	Navy	MCB Camp Lejeune	Armory, Camp Geiger	2,410	2,410	4,010	4,010	4,010
North Carolina	Navy	MCB Camp Lejeune	Combat Training Pool	4,610	4,610	2,410	2,410	2,410
North Carolina	Navy	MCB Camp Lejeune	Explosive Ordnance Disposal Ops Facility	-	-	-	4,610	4,610
North Carolina	Navy	MCB Camp Lejeune	Reserve Training Center	33,900	33,900	7,000	7,000	7,000
North Carolina	Navy	Washington County	Outlying Landing Field (OLF) Facilities, Incr 2	61,750	-	33,900	(18,900)	15,000
North Carolina	Navy	Washington County	Outlying Landing Field Land Acquisition, Incr 1	12,950	-	61,750	(46,750)	15,000
North Carolina	Air Force	Pope AFB	Combat Control School Expansion	2,200	2,200	12,950	12,950	12,950
North Carolina	Air Force	Pope AFB	Indoor Firing Range Combat Controlled School	22,700	22,700	2,200	2,200	2,200
North Carolina	DLA	MCAS Cherry Point	Replace Hydrant Fuel System	11,988	11,988	22,700	22,700	22,700
North Carolina	Spec Ops	Ft Bragg	Kennedy Hall Renovation	4,600	4,600	11,988	11,988	11,988
North Carolina	Spec Ops	Ft Bragg	SOF Company Operations Building	12,000	12,000	4,600	4,600	4,600
North Carolina	Spec Ops	Ft Bragg	SOF Company Operations Complex	4,500	4,500	12,000	12,000	12,000
North Carolina	Spec Ops	Ft Bragg	SOF Company Operations Facility	8,300	8,300	4,500	4,500	4,500
North Carolina	Spec Ops	Ft Bragg	SOF Isolation Unit Training Facility	-	-	8,300	8,300	8,300

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North Carolina	Spec Ops	Ft Bragg	SOF Resistance Training Facility	1,500	1,500	1,500		1,500
North Carolina	Army National Guard	Burlington	Add/Alter Readiness Center (ADRS)	1,360	1,360	1,360		1,360
North Carolina	Army National Guard	Windsor	Organizational Maintenance Shop (ADRS)	2,409	2,409	2,409		2,409
North Carolina	Army National Guard	Ft Bragg	Regional Training Institute, Phase 3	6,319	6,319	6,319		6,319
North Carolina	Army National Guard	Lenoir	Organizational Maintenance Shop			3,000		
North Carolina	Army National Reserve	NRC Asheville	Reserve Center	3,492	3,492	3,492		3,492
North Carolina	Navy Reserve	Wilmington	Reserve Training Center				7,000	7,000
North Carolina	Air Force Reserve	Seymour Johnson AFB	Reserve Security Forces Operations	2,300	2,300	2,300		2,300
North Carolina	Air Force	Minot AFB	Add/Alter Dock 1 Hangar			9,900	8,900	8,900
North Dakota	Air Force	Wright-Patterson AFB	Replace Steam Lines/Tunnels, Area B, Ph 1A		9,200	9,200	9,200	9,200
Ohio	Air Force	Wright-Patterson AFB	Special Tactical Unit Detachment Facility					704
Ohio	DLA	Columbus	Replace Physical Fitness Facility	5,500	5,500		(5,500)	
Ohio	Army National Guard	Columbus	Combined Spt Maintenance Shop Phase 1		9,980		9,980	9,980
Ohio	Army National Guard	Columbus	Organizational Maintenance Shop (ADRS) add/alt	2,225	2,225	2,225		2,225
Ohio	Air National Guard	Toledo Express Airport	Replace Logistics Complex		6,900		6,900	6,900
Ohio	Air Force Reserve	Wright-Patterson AFB	C-5 Airfield Pavements, Phase 1	4,300	4,300	4,300		4,300
Ohio	Air Force Reserve	Wright-Patterson AFB	C-5 Multi-Purpose Hangar	16,821	16,821	16,821		16,821
Oklahoma	Army	Ft Sill	CIDC Field Operations Building		3,400		3,400	3,400
Oklahoma	Army	Ft Sill	Consolidated Maintenance Complex, Phase 3	13,100	13,100	13,100		13,100
Oklahoma	Army	Ft Sill	Vehicle Maintenance Facility	14,400	14,400	14,400		14,400
Oklahoma	Air Force	Altus AFB	Base Civil Engineering Complex, Phase 2			10,500	7,000	7,000
Oklahoma	Air Force	Tinker AFB	Add to Integration Support Facility			8,000	8,000	8,000
Oklahoma	DLA	Tinker AFB	Add/Alter Hydrant Fuel System	5,400	5,400	5,400		5,400
Oklahoma	Army National Guard	Camp Gruber Training Ctr	Multi-purpose Machine Gun Range		3,201		3,201	3,201
Oregon	Army National Guard	AFRC Eugene	Armed Forces Reserve Center, Phase 2	12,635	12,635	12,635		12,635
Oregon	Army National Guard	Salem	Army Aviation Support Facility		4,917		4,917	4,917
Oregon	Air Force Reserve	Portland IAP	Add/Alter Bldg 315 For PJ Squadron Operations	1,640	1,640	1,640		1,640
Oregon	Air Force Reserve	Portland IAP	Consolidated Training, Phase 2	3,800	3,800	3,800		3,800
Oregon	Air Force Reserve	Portland IAP	Maintenance Hangar & Pavements	12,400	12,400	12,400		12,400
Pennsylvania	Army	Letterkenny Depot	Upgrade Igloos, Phase 1			11,400	5,400	5,400
Pennsylvania	DLA	DDSP New Cumberland	Consolidated Maintenance Facility	22,300	22,300	22,300		22,300
Pennsylvania	Army National Guard	Ft Indiantown Gap	Unit Equipment Training Site		20,387		20,387	20,387
Pennsylvania	Army Reserve	Ft Indiantown Gap	Army Reserve Center/Org Maint Support	13,156	13,156	13,156		13,156
Pennsylvania	Navy Reserve	NAS Willow Grove	Fitness Center	7,700	7,700	7,700		7,700

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Rhode Island	Navy	NAS Newport	Add/Alter Naval Justice School	-	-	3,590	-	-
Rhode Island	Navy	NAS Newport	Construct Fuel Oil Storage System	-	-	5,490	5,490	5,490
South Carolina	Navy	MCAS Beaufort	Aircraft Fire and Rescue Facility	-	5,480	-	5,480	5,480
South Carolina	Navy	NWS Charleston	Consolidated Electronic Integration Spt Fac	-	-	18,140	12,209	12,209
South Carolina	Air Force	Shaw AFB	Base Library	-	3,700	-	3,700	3,700
South Carolina	Air Force	Shaw AFB	Sewer Outfall Line to Wateree River	3,300	3,300	3,300	3,300	3,300
South Carolina	TMA	MCRD Parris Island	Replace Medical/Dental Clinic	25,000	25,000	25,000	25,000	25,000
South Carolina	Air Force	Ellsworth AFB	Base Operations Center	-	-	11,800	9,867	9,867
South Dakota	Army National Guard	Mobridge	Readiness Center	2,944	2,944	2,944	2,944	2,944
South Dakota	Army National Guard	Joe Foss Field	Squadron Operations Facility	-	2,500	7,000	7,000	7,000
Tennessee	Air Force	Arnold AFB	Add/Alter Wingo Inn Visiting Quarters	22,000	22,000	-	2,500	2,500
Tennessee	Air Force	Arnold AFB	Upgrade Jet Engine Induction Sys, Phase 5	-	-	9,142	9,142	9,142
Tennessee	Army National Guard	Nashville	Readiness Center, Phase 1	-	-	13,589	13,589	13,589
Tennessee	Army National Guard	Smyrna	Joint Forces Reserve Center	15,500	15,500	15,500	15,500	15,500
Tennessee	Air National Guard	Memphis IAP	C-5 Aircraft Apron & Hydrant Refuel Station	26,000	26,000	26,000	26,000	26,000
Tennessee	Air National Guard	Memphis IAP	C-5 Corrosion Control Hangar	-	5,300	-	-	-
Texas	Army	Camp Bullis	Vehicle Maintenance Facility	-	-	3,600	-	-
Texas	Army	Ft Bliss	CIDC Field Operations Building	-	-	11,400	11,400	11,400
Texas	Army	Ft Sam Houston	Construct General Instruction Building	16,500	16,500	16,500	16,500	16,500
Texas	Army	Ft Bliss	Missile Defense Instruction Facility	-	2,900	-	2,900	2,900
Texas	Army	Ft Bliss	Tac Equip Shop-AAMDC	49,888	49,888	49,888	49,888	49,888
Texas	Army	Ft Hood	Barracks Complex	-	7,100	-	7,100	7,100
Texas	Army	Ft Hood	Command & Control Facility Ph 2	28,200	28,200	28,200	28,200	28,200
Texas	Army	Ft Hood	Digital Multipurpose Range	-	3,700	-	-	-
Texas	Army	Ft Hood	Training Area Tank Trails	-	3,300	-	3,300	3,300
Texas	Air Force	Dyess AFB	Refueling Vehicle Maintenance Shop	-	-	11,000	11,000	11,000
Texas	Air Force	Dyess AFB	Construct Fire/Crash Rescue Station	2,596	2,596	2,596	2,596	2,596
Texas	Air Force	Lackland AFB	Security Forces Training Expansion	-	6,900	-	6,900	6,900
Texas	Air Force	Laughlin AFB	T-1 Squadron Operations Facility	21,284	21,284	21,284	21,284	21,284
Texas	Air Force	Sheppard AFB	F-22 Technical Training Facility	29,000	29,000	29,000	29,000	29,000
Texas	Air Force	Sheppard AFB	Student Dormitory (300 Rm)	3,900	3,900	3,900	3,900	3,900
Texas	DLA	NAS Kingsville	Replace Jet Fuel Storage Tank	-	9,038	-	9,038	9,038
Texas	Army Reserve	Corpus Christi	Controlled Humidity Storage Ph 1	-	-	-	-	-
Texas	Navy Reserve	NAS JRB Fort Worth	Combined Reserve Training Admin Building	-	5,520	-	5,520	5,520

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Texas	Air Force Reserve	Lackland AFB	Add/Alter C-5 Aircraft Generation Facility	1,200	1,200	1,200		1,200
Texas	Air Force Reserve	Lackland AFB	C-5 Training Schoolhouse Complex	20,000	20,000	20,000		20,000
Texas	Air Force Reserve	Lackland AFB	C-5 Training Load Assembly Facility	1,850	1,850	1,850		1,850
Texas	Air Force Reserve	NAS JRB Fort Worth	Aircraft Parts Store		1,850		1,850	1,850
Utah	Air Force	Hill AFB	729th ACS Operations / Maintenance Facility		4,900		4,900	4,900
Utah	Air Force	Hill AFB	Fitness Center	13,113	13,113	13,113		13,113
Utah	Air Force	Hill AFB	ICBM Propellant Analysis Complex		7,700		7,700	7,700
Utah	Air Force	Hill AFB	Add/Alter Army Reserve Center	7,932	7,932	7,932		7,932
Vermont	Army Reserve	ARC Ogden	Composite Deployment Training Facility			6,000	6,000	6,000
Virginia	Army National Guard	Burlington	MOU Facility, Ph 1			10,800	6,800	6,800
Virginia	Army	FT A.P. Hill	Shoot House	3,975	3,975	3,975		3,975
Virginia	Army	FT Lee	Fire and Emergency Services Center Ph 3		4,250		4,250	4,250
Virginia	Army	FT Myer	Barracks Complex-Sheridan Ave, Phase 1	49,526	49,526	49,526		49,526
Virginia	Army	Camp Elmore JSMC Det	Command Operations Facility	13,500	13,500	13,500		13,500
Virginia	Navy	MCAF Quantico	Green Side Hangar Complex	21,180	21,180	21,180		21,180
Virginia	Navy	MCAF Quantico	White Side Complex					18,560
Virginia	Navy	MCCDC Quantico	Armory (The Basic School)	4,580	4,580	4,580		4,580
Virginia	Navy	MCCDC Quantico	Bachelor Enlisted Quarters	15,090	15,090	15,090		15,090
Virginia	Navy	MCCDC Quantico	Heritage Center Road Improvements	950		950		950
Virginia	Navy	MCCDC Quantico	HQ and Service BN / TBS		4,470		4,470	4,470
Virginia	Navy	MCCDC Quantico	Gate 5 Security Improvements	2,850	2,850	2,850		2,850
Virginia	Navy	NAB Little Creek	Police & Security Ops Facility		6,700		6,370	6,370
Virginia	Navy	NAB Little Creek	Post 2 Security Improvements	2,770	2,770	2,770		2,770
Virginia	Navy	NAS Oceana	Gate 5 Security Improvements	4,330	4,330	4,330		4,330
Virginia	Navy	NS Norfolk	Pier 11 Replacement, Increment 2	40,000	40,000	40,000		40,000
Virginia	Navy	NS Norfolk	Ordnance Handling Vehicle Maint Shop	9,870	9,870	9,870		9,870
Virginia	Navy	LANTORDCOM Yorktown	Basic School Headquarters			4,470		
Virginia	Navy	Quantico	Conference Center	3,600	3,600	3,600		3,600
Virginia	DLA	Def Dist Depot Richmond	Security Enhancements	6,500	6,500	6,500		6,500
Virginia	DLA	Def Dist Depot Richmond	Bulk Fuel Storage Tank	3,589	3,589	3,589		3,589
Virginia	DLA	DFSP NAS Oceana	Addition SOF Operational Trainer Support Facility	4,300	4,300	4,300		4,300
Virginia	Spec Ops	FCTC Dam Neck	SOF High Explosives Magazine	1,400	1,400	1,400		1,400
Virginia	Spec Ops	FCTC Dam Neck	SOF Ground Mobility Support Building	1,500	1,500	1,500		1,500
Virginia	Spec Ops	FT A.P. Hill	Boat Support Facility	10,500	10,500	10,500		10,500
Virginia	Spec Ops	NAB Little Creek						

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Virginia	Spec Ops	NAB Little Creek	SEAL Team Operations Facility	12,700	9,000	9,000		9,000
Virginia	Spec Ops	NAB Little Creek	SOF Combat Skills Compound	12,700	12,700	12,700	9,000	12,700
Virginia	Spec Ops	NAB Little Creek	SOF Ground Mobility Maintenance Facility	1,000	1,000	1,000		1,000
Virginia	Army National Guard	Ft Pickett	Infantry Platoon Battle Course (SBCT)	5,170	5,170	5,170		5,170
Virginia	Army National Guard	Ft Pickett	MOJUT Assault Course (SBCT)	1,409	1,409	1,409		1,409
Virginia	Navy Reserve	NMCR Norfolk	Vehicle Maintenance Facility	3,290	3,290	3,290		3,290
Virginia	TMA	Ft Belvoir	Hospital Replacement, Phase I	43,000	43,000	43,000		43,000
Virginia	TMA	Langley AFB	Add/Alter Hospital	50,800	50,800	50,800		50,800
Washington	Army	Ft Lewis	Barracks Complex-41st Div Dr/B St, Phase 2	48,000	48,000	48,000	8,200	48,000
Washington	Army	Ft Lewis	Construct Chapel, North Fort			9,200	1,990	8,200
Washington	Navy	NAS Whidbey Island	Hazardous Materials Storehouse		1,990			1,990
Washington	Navy	NS Bremerton	Bachelor Enlisted Quarters-Homeport Ashore	34,125	34,125	34,125		34,125
Washington	Navy	NSY Puget Sound	CVN Maintenance Complex	20,305	20,305	20,305		20,305
Washington	Navy	NSY Puget Sound	Ocean Engineering Support Facility		3,150			
Washington	Navy	SWFPAC Bangor	Limited Area Production & Storage Complex	35,770	35,770	35,770		35,770
Washington	Navy	NSWCDD DET Bangor	Lab Consolidation, Phase 1				6,970	6,970
Washington	Army National Guard	Camp Murray	Alter Readiness Center (ADRS)	1,400	1,400	1,400		1,400
Washington	Army Reserve	Vancouver	Land Acquisition	2,500	2,500		(2,500)	
West Virginia	Air National Guard	Martinsburg ANG	C-5 Maintenance Hangar and Shops	36,000	36,000	36,000		36,000
West Virginia	Air National Guard	Martinsburg ANG	Construct C-5 Apron/Fuel Hydr Sys, Ph 2			17,000	13,000	13,000
West Virginia	Air National Guard	Martinsburg ANG	Flight Simulator Facility (C-5)			4,150	4,150	4,150
West Virginia	Air National Guard	Yeager	Fire Crash Rescue Station			6,000	6,000	6,000
Wisconsin	Air National Guard	Truax Field	ASA - Munitions Maint & Storage Complex	5,900	5,900	5,900		5,900
Wisconsin	Air National Guard	Volk Field	Replace Joint Squadron Ops Facility			4,500	4,500	4,500
Wisconsin	Army Reserve	Ft McCoy	Infantry Platoon Battle Course	2,712	2,712	2,712		2,712
Wisconsin	Army Reserve	Ft McCoy	Squad Defense Range	1,248	1,248	1,248		1,248
Wyoming	Air Force	F.E. Warren AFB	Upgrade Storm Water Drainage System Ph 1		5,500	5,500	5,500	5,500
Bahamas	Navy	NUWC Andros Island	Bachelor Quarters	20,750	20,750		(20,750)	
Diego Garcia	Navy	NAVSUPFAO Diego Garcia	Solid Waste Management Center	17,500	17,500	17,500		17,500
Diego Garcia	TMA	Diego Garcia	Dental Clinic Replacement	3,800	3,800	3,800		3,800
Germany	Army	Grafenwoehr	Barracks Complex	28,500	28,500	28,500		28,500
Germany	Army	Grafenwoehr	Barracks Complex - Brigade	34,000	34,000	34,000		34,000
Germany	Army	Grafenwoehr	Brigade Support Complex	14,700	14,700	14,700		14,700

Military Construction Authorizations for FY2005
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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Germany	Air Force	Ramstein AB	Small Diameter Bomb Facilities	1,200	1,200	1,200	-	1,200
Germany	Air Force	Ramstein AB	USAFE Theater Aerospace Operations Spt Ctr	24,204	24,204	24,204	-	24,204
Germany	DODEA	Grafenwoehr	New Elementary/Middle School	36,247	36,247	36,247	-	36,247
Germany	DODEA	Vilseck	High School Renovation/Addition	9,011	9,011	9,011	-	9,011
Germany	TMA	Grafenwoehr	Add/Alter Dispensary/Dental Clinic	13,000	13,000	13,000	-	13,000
Greenland	Air Force	Thule AB	Dormitory (72 Rm)	19,800	19,800	19,800	-	19,800
Guam	Navy	NPWC Guam	FENA Water Treatment Plant Upgrade	20,700	20,700	20,700	-	20,700
Guam	Navy	COMNAVMAF/ANAS Guam	Kilo Wharf Improvements	12,500	12,500	12,500	-	12,500
Guam	Air Force	Andersen AFB	War Reserve Storage Facility	19,593	19,593	19,593	-	19,593
Guam	Spec Ops	NS Guam	SOF Ground Mobility Support Building	2,200	2,200	2,200	-	2,200
Guam	DODEA	NS Guam	High School Replacement	26,964	26,964	26,964	-	26,964
Italy	Army	Livorno	Warehouse Operations Facility	26,000	26,000	26,000	-	26,000
Italy	Navy	NAS Sigonella	Access Improvements	7,430	7,430	7,430	-	7,430
Italy	Navy	NAS Sigonella	Base Operations Support Facility, Phase 2	15,120	15,120	15,120	-	15,120
Italy	Air Force	Aviano AB	Add/Alt Weapons Load/Maint Training Facility	2,300	2,300	2,300	-	2,300
Italy	Air Force	Aviano AB	Expand North Ramp, Phase 2	1,626	1,626	1,626	-	1,626
Italy	Air Force	Aviano AB	Flight Simulator	2,834	2,834	2,834	-	2,834
Japan	Air Force	Misawa AB	Expand Strategic Airlift Ramp	6,700	6,700	-	(6,700)	-
Japan	DLA	Misawa AB	Hydrant Fuel System	19,900	19,900	-	(19,900)	-
Korea	Army	Camp Humphreys	Sanitary Sewer System	12,000	12,000	12,000	-	12,000
Korea	Air Force	Kunsan AB	Dorm (144 Rm)	18,550	18,550	18,550	-	18,550
Korea	Air Force	Kunsan AB	Dorm (144 Rm)	18,550	18,550	18,550	-	18,550
Korea	Air Force	Osan AB	Dormitory (156 Rm)	18,600	18,600	18,600	-	18,600
Portugal	Air Force	Lajes Field	Add/Alter Fitness Center, Phase 2	5,689	5,689	5,689	-	5,689
Portugal	DLA	DFSP Lajes Field	Replace Hydrant Fuel System	19,113	19,113	19,113	-	19,113
Puerto Rico	Army Reserve	ARC Aguadilla	Army Reserve Center	21,523	21,523	-	(21,523)	-
Spain	Navy	NS Rota	Consolidate Command Ops & Support Facility	32,700	32,700	-	(11,000)	21,700
Spain	Air Force	NS Rota	Aircraft Parking Apron, Phase 2	14,153	14,153	-	(9,828)	4,325
United Kingdom	Air Force	RAF Lakenheath	4-Bay Mission Training Center	5,500	5,500	5,500	-	5,500
United Kingdom	Spec Ops	RAF Mildenhall	SOF Operations/Intelligence Facility	10,200	10,200	-	(10,200)	-
Worldwide	Air Force	Classified Location	Classified	28,090	28,090	28,090	-	28,090
Worldwide	Air Force	Classified Location	Special Tactical Unit Det Facility*	704	704	704	-	-
Worldwide	Spec Ops	Classified Location	SOF Building Addition	2,600	2,600	2,600	-	2,600

Military Construction Authorizations for FY2005
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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Worldwide	Spec Ops	Classified Location	SOF Information Operations Facility Addition	4,800	4,800	4,800		4,800
Unspecified	Navy	Unspecified Worldwide	White Side Complex**	18,560	18,560	18,560		
Unspecified	Air Force	Unspecified Worldwide	Presidential Helicopter Program Support Fac	80,000	80,000		(40,000)	40,000
Unspecified	Spec Ops	Unspecified Worldwide	Predator B Beddown	26,121	26,121	26,121		26,121
			Training Facility	2,900	2,900	2,900		2,900
Unspecified	Army	Unspecified Worldwide	Unspecified Minor Construction	20,000	20,000	20,000		20,000
Unspecified	Army	Unspecified Worldwide	Planning and Design	130,335	140,209	133,335		130,335
Unspecified	Army	Unspecified Worldwide	Host Nation Support	21,000	21,000	21,000		21,000
Unspecified	Navy	Unspecified Worldwide	Unspecified Minor Construction	12,000	12,000	12,000		12,000
Unspecified	Navy	Unspecified Worldwide	Planning and Design	87,067	93,804	87,067		87,067
Unspecified	Air Force	Unspecified Worldwide	Unspecified Minor Construction	13,000	13,000	13,000		13,000
Unspecified	Air Force	Unspecified Worldwide	Planning and Design	140,786	166,126	124,085	(16,701)	124,085
Unspecified	Spec Ops	Unspecified Worldwide	Unspecified Minor Construction	2,710	2,710	2,710		2,710
Unspecified	Spec Ops	Unspecified Worldwide	Planning and Design	10,566	11,866	10,566		10,566
Unspecified	MDA	Unspecified Worldwide	Unspecified Minor Construction	2,769	2,769	2,769		2,769
Unspecified	Army National Guard	Unspecified Worldwide	Planning and Design	30,845	44,107	31,375		30,845
Unspecified	Air National Guard	Unspecified Worldwide	Unspecified Minor Construction	4,472	7,172	4,472		4,472
Unspecified	Air National Guard	Unspecified Worldwide	Unspecified Minor Construction	5,500	5,500	5,500		5,500
Unspecified	Army Reserve	Unspecified Worldwide	Planning and Design	11,764	18,316	11,764		11,764
Unspecified	Army Reserve	Unspecified Worldwide	Planning and Design	1,804	1,804	1,804		1,804
Unspecified	Navy Reserve	Unspecified Worldwide	Unspecified Minor Construction	2,923	2,923	2,923		2,923
Unspecified	Navy Reserve	Unspecified Worldwide	Planning and Design	11,225	13,847	11,225		11,225
Unspecified	Air Force Reserve	Unspecified Worldwide	Planning and Design	1,503	1,653	1,503		1,503
Unspecified	Air Force Reserve	Unspecified Worldwide	Planning and Design	5,493	8,807	5,493		5,493
Unspecified	Air Force Reserve	Unspecified Worldwide	Unspecified Minor Construction	5,263	5,263	5,263		5,263
Unspecified	DFAS	Unspecified Worldwide	General Reduction		(6,570)			
Unspecified	TJS	Unspecified Worldwide	Unspecified Minor Construction	1,497	1,497	1,497		1,497
Unspecified	Other	Unspecified Worldwide	Unspecified Minor Construction	7,214	7,214	7,214		7,214
Unspecified	Other	Unspecified Worldwide	Unspecified Minor Construction	3,000	3,000	3,000		3,000
Unspecified	DODEA	Unspecified Worldwide	Planning and Design	22,216	22,216	22,216		22,216
Unspecified	TMA	Unspecified Worldwide	Unspecified Minor Construction	746	746	746		746
Unspecified	TMA	Unspecified Worldwide	Unspecified Minor Construction	3,002	3,002	3,002		3,002
Unspecified	TMA	Unspecified Worldwide	Planning and Design	29,400	29,400	29,400		29,400

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Military Construction Authorizations for FY2005
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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Unspecified	Other	Unspecified Worldwide	Energy Conservation Improvement Program	60,000	50,000	60,000	(10,000)	50,000
Unspecified	Other	Unspecified Worldwide	Contingency Construction	10,000	10,000	10,000		10,000
Unspecified	Other	Unspecified Worldwide	NATO Security Investment Program	165,800	165,800	165,800	(5,000)	160,800
Unspecified	BRAC IV	BRAC IV	Base Realignment & Closure	246,116	246,116	246,116		246,116
Unspecified	Army	Unspecified Worldwide	Reduction (prior year savings)				(5,550)	(5,550)
Unspecified	Navy	Unspecified Worldwide	Reduction (prior year savings)				(5,549)	(5,549)
Unspecified	Air Force	Unspecified Worldwide	Reduction (prior year savings)				(5,550)	(5,550)
Alaska	Army	Fort Richardson	Family Housing Replacement Construction	42,000	42,000	42,000		42,000
Alaska	Army	Fort Wainwright	Family Housing New Construction	41,000	41,000	41,000		41,000
Alaska	Army	Fort Wainwright	Family Housing Replacement Construction	37,000	37,000	37,000		37,000
Alaska	Army	Fort Wainwright	Family Housing Replacement Construction	46,000	46,000	46,000		46,000
Arizona	Army	Fort Huachuca	Family Housing Replacement Construction	41,000	41,000	41,000		41,000
Arizona	Army	Yuma PG	Family Housing Replacement Construction	14,900	14,900	14,900		14,900
Arizona	Air Force	Davis-Monthan AFB	Family Housing Replacement Construction	48,500	48,500	48,500		48,500
California	Air Force	Edwards AFB	Replace Family Housing, Phase 6	41,202	41,202	41,202		41,202
California	Air Force	Vandenberg AFB	Replace Family Housing, Phase 8	30,906	30,906	30,906		30,906
California	Air Force	MacDill AFB	Construct Housing Maintenance Facility	1,250	1,250	1,250		1,250
Florida	Air Force	MacDill AFB	Replace Family Housing, Phase 6	21,723	21,723	21,723		21,723
Florida	Air Force	MacDill AFB	Replace Family Housing, Phase 6	39,333	39,333	39,333		39,333
Idaho	Air Force	Mountain Home AFB	Family Housing Replacement Construction	33,000	33,000	33,000		33,000
Kansas	Army	Fort Riley	Family Housing Management Facility	711	711	711		711
Mississippi	Air Force	Columbus AFB	Replace Family Housing, Phase 6	37,087	37,087	37,087		37,087
Missouri	Air Force	Whiteman AFB	Replace Family Housing, Phase 6	29,910	29,910	29,910		29,910
Montana	Air Force	Malmstrom AFB	Replace Family Housing	31,000	31,000	31,000		31,000
New Mexico	Army	White Sands Missile Range	Family Housing Replacement Construction	27,002	27,002	27,002		27,002
North Carolina	Navy	MCAS Cherry Point	Replace SLOCUM Village, Phase 3	32,693	32,693	32,693		32,693
North Carolina	Air Force	Seymour Johnson AFB	Replace Family Housing, Phase 8	26,169	26,169	26,169		26,169
North Dakota	Air Force	Grand Forks AFB	Replace Family Housing, Phase H	37,087	37,087	37,087		37,087
North Dakota	Air Force	Minot AFB	Replace Family Housing, Phase 11	47,000	47,000	47,000		47,000
Oklahoma	Army	Fort Sill	Family Housing Replacement Construction	1,976	1,976	1,976		1,976
South Carolina	Air Force	Charleston AFB	Construct Huntley Park Fire Station	21,482	21,482	21,482		21,482
South Dakota	Air Force	Ellsworth AFB	Replace Family Housing, Phase 4	28,664	28,664	28,664		28,664
Texas	Air Force	Dyess AFB	Replace Family Housing, Phase 5	20,604	20,604	20,604		20,604
Texas	Air Force	Goodfellow AFB	Construct Military Family Housing, Phase 1					

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Virginia	Army	Fort Lee	Family Housing Replacement Construction	46,000	46,000	46,000		46,000
Virginia	Army	Fort Monroe	Family Housing Replacement Construction	16,000	16,000	16,000		16,000
Germany	Air Force	Ramstein AB	Replace Family Housing	57,691	57,691	57,691		57,691
Italy	Air Force	Aviano AB	Replace Housing Office	2,542	2,542	2,542		2,542
Korea	Air Force	Osan AB	Construct Family Housing, Phase 3	46,834	46,834	46,834		46,834
United Kingdom	Air Force	RAF Lakenheath	Replace Family Housing	43,976	43,976	43,976		43,976
Unspecified	Army	Unspecified Worldwide	Services Account	36,174	36,174	36,174		36,174
Unspecified	Army	Unspecified Worldwide	Maintenance of Real Property	402,060	399,660	402,060	(2,400)	399,660
Unspecified	Army	Unspecified Worldwide	Construction Improvements	211,990	211,990	211,990		211,990
Unspecified	Army	Unspecified Worldwide	Furnishings Account	37,411	37,411	37,411		37,411
Unspecified	Army	Unspecified Worldwide	Management Account	74,895	74,895	74,895		74,895
Unspecified	Army	Unspecified Worldwide	Privatization Support	26,644	26,644	26,644		26,644
Unspecified	Army	Unspecified Worldwide	Utilities Account	132,356	132,356	132,356		132,356
Unspecified	Army	Unspecified Worldwide	Miscellaneous Account	1,333	1,333	1,333		1,333
Unspecified	Army	Unspecified Worldwide	Leasing Account	218,033	218,033	218,033		218,033
Unspecified	Army	Unspecified Worldwide	Interest Payments	1	1	1		1
Unspecified	Army	Unspecified Worldwide	Planning and Design	29,209	29,209	29,209		29,209
Unspecified	Navy	Unspecified Worldwide	Utilities Account	137,226	137,226	137,226		137,226
Unspecified	Navy	Unspecified Worldwide	Services Account	57,691	57,691	57,691		57,691
Unspecified	Navy	Unspecified Worldwide	Leasing Account	136,883	136,883	136,883		136,883
Unspecified	Navy	Unspecified Worldwide	Miscellaneous Account	654	654	654		654
Unspecified	Navy	Unspecified Worldwide	Management Account	81,859	81,859	81,859		81,859
Unspecified	Navy	Unspecified Worldwide	Furnishings Account	20,756	20,756	20,756		20,756
Unspecified	Navy	Unspecified Worldwide	Privatization Support	16,991	16,991	16,991		16,991
Unspecified	Navy	Unspecified Worldwide	Interest Payments	61	61	61		61
Unspecified	Navy	Unspecified Worldwide	Construction Improvements	112,105	112,105	112,105		112,105
Unspecified	Navy	Unspecified Worldwide	Maintenance of Real Property	252,383	244,183	252,383	(8,200)	244,183
Unspecified	Navy	Unspecified Worldwide	Leasing Account	38	38	38		38
Unspecified	Air Force	Unspecified Worldwide	Interest Payments	119,908	119,908	119,908		119,908
Unspecified	Air Force	Unspecified Worldwide	Planning and Design	38,266	38,266	38,266		38,266
Unspecified	Air Force	Unspecified Worldwide	Furnishings Account	44,459	41,959	44,459	(2,500)	41,959
Unspecified	Air Force	Unspecified Worldwide	Services Account	26,070	26,070	26,070		26,070
Unspecified	Air Force	Unspecified Worldwide	Miscellaneous Account	2,396	2,396	2,396		2,396

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Military Construction Authorizations for FY2005
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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Unspecified	Air Force	Unspecified Worldwide	Privatization Support	39,104	39,104	39,104		39,104
Unspecified	Air Force	Unspecified Worldwide	Maintenance of Real Property	435,782	435,552	435,782		435,552
Unspecified	Air Force	Unspecified Worldwide	Utilities Account	125,459	125,459	125,459	(230)	125,459
Unspecified	Air Force	Unspecified Worldwide	Construction Improvements	238,353	238,353	238,353		238,353
Unspecified	Air Force	Unspecified Worldwide	Management Account	70,680	64,180	62,898	(7,782)	62,898
Unspecified	DLA	Unspecified Worldwide	Maintenance of Real Property	397	397	397		397
Unspecified	DLA	Unspecified Worldwide	Management Account	293	293	293		293
Unspecified	DLA	Unspecified Worldwide	Services Account	76	76	76		76
Unspecified	DLA	Unspecified Worldwide	Furnishings Account	36	36	36		36
Unspecified	DLA	Unspecified Worldwide	Utilities Account	419	419	419		419
Unspecified	NSA	Unspecified Worldwide	Leasing Account	11,257	11,257	11,257		11,257
Unspecified	NSA	Unspecified Worldwide	Miscellaneous Account	53	53	53		53
Unspecified	NSA	Unspecified Worldwide	Utilities Account	471	471	471		471
Unspecified	NSA	Unspecified Worldwide	Management Account	13	13	13		13
Unspecified	NSA	Unspecified Worldwide	Maintenance of Real Property	1,939	1,939	1,939		1,939
Unspecified	NSA	Unspecified Worldwide	Services Account	381	381	381		381
Unspecified	NSA	Unspecified Worldwide	Furnishings Account	116	116	116		116
Unspecified	NSA	Unspecified Worldwide	Construction Improvements	49	49	49		49
Unspecified	NSA	Unspecified Worldwide	Leasing Account	30,199	30,199	30,199		30,199
Unspecified	DIA	Unspecified Worldwide	Furnishings Account	3,925	3,925	3,925		3,925
Unspecified	DIA	Unspecified Worldwide	Family Housing Improvement Fund	2,500	2,500	2,500		2,500
Unspecified	Other	Unspecified Worldwide						
Rescission:								
Foreign Currency Fluctuation								
Total Authorization of Appropriations				9,480,475	9,930,475	9,828,440	(130,000)	(130,000)
							(63,000)	(63,000)
							449,625	9,930,100

*Location Declassified - See Wright-Patterson AFB, Ohio
 **DOD Requested Installation Change - See MCAF Quantico, Virginia
 ***DOD Requested Installation Clarification - See Camp Rudder, Florida
 ****DOD Requested Installation Change - Original Installation was NAS North Island, California

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Short title (sec. 2001)

The House bill contained a provision (sec. 2001) that would cite Division B of this Act as the Military Construction Authorization Act for Fiscal Year 2005.

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

Title XXI-ARMY

Overview

The House bill would authorize appropriations for the Army of \$1,866.2 million for military construction and \$1,562.6 million for family housing for fiscal year 2005.

The Senate amendment would authorize appropriations for the Army of \$1,942.9 million for military construction and \$1,565.0 million for family housing for fiscal year 2005.

The conferees recommend authorization of appropriation for the Army of \$1,969.0 million for military construction and \$1,562.6 million for family housing for fiscal year 2005.

Legislative Provisions Adopted

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize Army military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2101).

The conference agreement includes this provision.

~~The amounts authorized are listed in this provision on an~~
installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled "Military Construction Authorization for FY2005" provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2102)

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2102).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled "Military Construction Authorization for FY2005" provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2103)

The House bill contained a provision (sec. 2103) that would authorize improvements to existing units of Army family housing in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2103).

The conference agreement includes this provision.

Authorization of appropriations, Army (sec. 2104)

The House bill contained a provision (sec. 2104) that would authorize specific appropriations for each line item contained in the Army's military construction budget in fiscal year 2005. This provision would also provide an overall limit on the amount the Army is authorized to spend on military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2104).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2004 project (sec. 2105)

The House bill contained a provision (sec. 2105) that would amend section 2101 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136) to increase project authorizations for Fort Stewart, Georgia and Fort Drum, New York.

The Senate amendment contained a similar provision (sec. 2105).

The Senate recedes.

Modification of authority to carry out certain fiscal year 2003 projects (sec. 2106)

The House bill contained a provision (sec. 2106) that would amend section 2101 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314) as further amended by section 2105(a)(2) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136) to adjust a project authorization for Fort Sill, Oklahoma.

The Senate amendment contained a similar provision (sec. 2106).

The Senate recedes.

Title XXII-NAVY

Overview

The House bill would authorize appropriations for the Navy of \$1,077.9 million for military construction and \$835.4 million for family housing for fiscal year 2005.

The Senate amendment would authorize appropriations for the Navy of \$100.1 million for military construction and \$843.6 million for family housing for fiscal year 2005.

The conferees recommend authorization of appropriations for the Navy of \$1,056.3 million for military construction and \$835.4 million for family housing for fiscal year 2005.

Legislative Provisions Adopted

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize Navy military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2201).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled "Military Construction Authorization for FY2005" provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2202)

The House bill contained a provision (sec. 2202) that would

authorize new construction and planning and design of family housing units for the Navy in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled "Military Construction Authorizations for FY2005" provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2203)

The House bill contained a provision (sec. 2203) that would authorize improvements to existing units of Navy family housing in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

Authorization of appropriations, Navy (sec. 2204)

The House bill contained a provision (sec. 2204) that would authorize specific appropriations for each line item contained in the Navy's military construction budget in fiscal year 2005. This provision would also provide an overall limit on the amount the Navy is authorized to spend on military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2204).

The conference agreement includes this provision.

Legislative Provisions Not Adopted

Modification of authority to carry out a certain fiscal year 2004 project

The Senate amendment contained a provision (sec. 2205) that would amend section 2201 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law

108-136) to increase a project authorization amount at Various Locations, CONUS.

The House bill contained no similar provision.

The Senate recedes.

Title XXIII-AIR FORCE

Overview

The House bill would authorize appropriations for the Air Force of \$789.6 million for military construction and \$1,701.9 million for family housing for fiscal year 2005.

The Senate amendment would authorize appropriations for the Air Force of \$782.5 million for military construction and \$1,703.1 million for family housing for fiscal year 2005.

The conferees recommend authorization of appropriation for the Air Force of \$853.9 million for military construction and \$1,700.3 million for family housing for fiscal year 2005.

Legislative Provisions Adopted

Authorized Air Force construction and land acquisition projects (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize Air Force military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2301).

~~The conference agreement includes this provision.~~

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorization for FY2005" provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2302)

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force in fiscal year 2005.

The Senate amendment contained a similar provision (sec.

2302).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled "Military Construction Authorization for FY2005" provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2303)

The House bill contained a provision (sec. 2303) that would authorize improvements to existing units of Air Force family housing in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2303).

The conference agreement includes this provision.

Authorization of appropriations, Air Force (sec. 2304)

The House bill contained a provision (sec. 2304) that would authorize specific appropriations for each line item contained in the Air Force's military construction budget in fiscal year 2005. This provision would also provide an overall limit on the amount the Air Force is authorized to spend on military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2304).

~~The conference agreement includes this provision.~~

Title XXIV-DEFENSE AGENCIES

Overview

The House bill would authorize appropriations for the defense agencies of \$790.8 million for military construction and \$49.6 million for family housing for fiscal year 2005.

The Senate amendment would authorize appropriations for the defense agencies of \$764.2 million for military construction and \$49.6 million for family housing for fiscal year 2005.

The conferees recommend authorization of appropriations for the defense agencies of \$675.5 million for military construction and \$49.6 million for family housing for fiscal year 2005.

Legislative Provisions Adopted

Authorized defense agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) that would authorize defense agencies military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2401).

~~The conference agreement includes this provision.~~

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled "Military Construction Authorization for FY2005" provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize improvements to existing units of the defense agencies' family housing in fiscal year 2005.

The Senate amendment contained an identical provision (sec.

2402).

The conference agreement includes this provision.

Energy conservation projects (sec. 2403)

The House bill contained a provision (sec. 2403) that would authorize the Secretary of Defense to carry out energy conservation projects.

The Senate amendment contained a similar provision (sec. 2403).

The conference agreement includes this provision.

Authorization of appropriations, defense agencies (sec. 2404)

The House bill contained a provision (sec. 2404) that would authorize specific appropriations for each line item contained in the defense agencies' military construction budget in fiscal year 2005. This provision would also provide an overall limit on the amount the defense agencies are authorized to spend on military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2404).

The conference agreement includes this provision.

Title XXV-NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Legislative Provisions Adopted

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment program in an amount equal to the sum of the amount specifically authorized elsewhere in this conference report, and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize appropriations of \$165.8 million for the U.S. contribution to the North Atlantic Treaty Organization Security Investment program.

~~The Senate amendment contained an identical provision (sec. 2502).~~

The conference agreement reduces the authorization of appropriations by \$5.0 million.

Title XXVI-GUARD AND RESERVE FORCES FACILITIES

Overview

The House bill would authorize appropriations of \$839.8 million for military construction and land acquisition for fiscal year 2005 for the Guard and Reserve components.

The Senate amendment would authorize appropriations of \$768.7 million for military construction and land acquisition for fiscal year 2005 for the Guard and Reserve components.

The conferees recommend authorization of appropriations of \$929.2 million for military construction and land acquisition for fiscal year 2005 for the Guard and Reserve components. This authorization would be distributed as follows:

Army National Guard	\$434.4
Air National Guard	\$233.5
Army Reserve	\$90.3
Naval and Marine Corps Reserve	\$48.2
Air Force Reserve	<u>\$122.8</u>
Total	\$929.2

Legislative Provisions Adopted

Authorized Guard and Reserve construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize appropriations for military construction for the Guard

and Reserve by service component in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2601).

The conference agreement includes this provision.

A State list of projects contained in the table at the beginning of division B of this conference report entitled "Military Construction Authorization for FY2005" provides the binding list of specific construction projects authorized at each location.

ITEM OF SPECIAL INTEREST

Change in title of military construction project previously authorized

The conferees agree to make a technical clarification to the table, entitled "Military Construction Authorization for FY2004," contained within division B of the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2004 (Conf. Rept. 108-354) by changing the title for a project authorized for the Air National Guard at the Memphis International Airport, Tennessee from "C-5 Upgrade Shops" to "C-5 Site Improvements and Utilities".

Title XXVII-EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Legislative Provisions Adopted

Expiration of authorizations and amounts required to be specified by law (sec. 2701)

The House bill contained a provision (sec. 2701) that would provide that authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, contributions to the North Atlantic Treaty Organization investment program, and Guard and Reserve projects will expire on October 1, 2007, or the date of enactment of an act authorizing funds for military construction for fiscal year 2008, whichever is later. This requirement would not apply to funds obligated prior to the expiration date.

The Senate amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2002 projects (sec. 2702)

The House bill contained a provision (sec. 2702) that would provide for the extension of certain fiscal year 2002 military ~~construction project authorizations until October 1, 2006, or the~~ date of enactment of an act authorizing funds for military construction for fiscal year 2006, whichever is later.

The Senate amendment contained a similar provision (sec. 2702).

The Senate recedes with an amendment that would amend the list of fiscal year 2002 military construction project authorizations to be extended.

Extension and renewal of authorizations of certain fiscal year 2001 projects (sec. 2703)

The House bill contained a provision (sec. 2703) that would

provide for the extension of certain fiscal year 2001 military construction project authorizations until October 1, 2005 or the date of enactment of an act authorizing funds for military construction for fiscal year 2006, whichever is later.

The Senate amendment contained a similar provision (sec. 2703).

The conference agreement includes this provision.

Legislative Provisions Not Adopted

Effective date

The House bill contained a provision (sec. 2704) that would provide that titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on October 1, 2004, or the date of enactment of this Act, whichever is later.

The Senate amendment contained an identical provision (sec. 2704).

Because the conference report was not adopted prior to October 1, 2004, this provision is no longer required and was not included in the conference agreement.

Title XXVIII-GENERAL PROVISIONS

Items of Special Interest

Acceleration of environmental clean-up activities related to public lands, West Wendover, Nevada

Section 2843 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314) authorized the Secretary of the Interior and the Secretary of the Air Force to convey certain parcels of real property totaling 14,000 acres at Wendover Air Force Base Auxiliary Field, Nevada to the City of West Wendover, Nevada and Tooele County, Utah. The purpose of the conveyance is to protect and benefit the local community by establishing aircraft accident prevention zones and developing 3,000 acres for an industrial park.

In order for the Secretary of the Interior to carry out the conveyance, the Secretary of the Air Force must identify the extent of environmental contamination on the lands and the measures to ensure the protection of the public. Currently, the Air Force has planned, based on a risk assessment and available funding, for a preliminary environmental assessment in 2006 and, if needed, subsequent environmental actions for these lands in 2011.

Establishing aircraft accident prevention zones are critical to mitigating the risk of loss of life for local residents in the vicinity of airports. The industrial park planned by the local community is vital to the economic development and the growth of commercial investment in the areas surrounding Wendover airport. ~~Delays in the conveyance of the lands are having a detrimental impact on the safety of residents and the vitality of the local economy.~~

Therefore, the conferees direct the Secretary of the Air Force to give appropriate consideration to the completion of environmental remediation activities for lands at Wendover Air Force Base Auxiliary Field, Nevada so that the lands may be transferred to the Bureau of Land Management as quickly as possible.

Consideration of proposal for leased facilities supporting Headquarters, United States Southern Command, Miami, Florida

The conferees are aware of a proposal from the State of Florida to construct a building for Southern Command occupancy once the current lease expires in 2008. The conferees urge the Secretary of Defense to consider the State's proposal and update the congressional defense committees on the status of this proposal by February 1, 2005.

Legislative Provisions Adopted

Subtitle A-Military Construction Program and Military Family Housing Changes

Modification of approval and notice requirements for facility repair projects (sec. 2801)

The Senate amendment contained a provision (sec. 2802) that would amend section 2811(b) of title 10, United States Code, by raising the threshold of the cost of a construction project requiring approval in advance by a service secretary from \$5.0 million to \$7.5 million.

The House bill contained a provision (sec. 2803) that would amend section 2811(d) of title 10, United States Code, to lower the threshold at which congressional notification is required for facility repairs using operation and maintenance funds from \$10.0 million to \$7.5 million.

The House recedes with an amendment that would include in the conference agreement both amendments to section 2811 of title 10, United States Code.

Reporting requirements regarding military family housing requirements for general officers and flag officers (sec. 2802)

The House bill contained a provision (sec. 2804) that would require the Department of Defense to conduct an analysis of general and flag officer housing requirements in the national capital region by March 30, 2005. This section would also require the Department to report to Congress, by March 30, 2005, on its inventory of general and flag officer housing, including annual expenditures of each house for operations, utilities, and maintenance and repair over the past five years. Finally, this section would require the Department to provide, as part of its annual budget justification documents, by March 30 of each year a detailed list of each general and flag officer quarters for which

operations, utilities, and maintenance and repair costs, in sum, are anticipated to exceed \$20,000 in the coming year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department to provide, as part of its annual budget justification documents, a list of general and flag officer quarters for which operations, maintenance and repair costs are anticipated to exceed \$35,000 in the budget year. The amendment would also add a reporting requirement for each dwelling unit where operations, maintenance and repair actions would exceed an annual cost of \$35,000, not included in the annual President's budget request, but required for environmental remediation or to protect the safety or security of the occupants.

In annual cost calculations, the conferees define "operations activities" to include the prorated share of costs for management of family housing, services, and furnishings. Utilities, leases, and costs related to historical preservation should not be included in the analysis of the \$35,000 threshold, but should be included in all reports.

Congressional notification of deviations from authorized cost variations for military construction projects and military family housing projects (sec. 2803)

The House bill contained a provision (sec. 2805) that would amend section 2853(c)(3) of title 10, United States Code, to shorten the notice and wait period for significant project cost increases or scope decreases from 21 days to 14 days, if notification is provided in an electronic format to Congress.

The Senate amendment contained no similar provision.

~~The Senate recedes~~

Assessment of vulnerability of military installations to terrorist attack and annual report on military construction requirements related to antiterrorism and force protection (sec. 2804)

The House bill contained a provision (sec. 2802) that would require the Secretary of Defense to establish guidance on appropriate levels of antiterrorism and force protection requirements for facilities construction and perimeter defenses, and to certify that all major Department of Defense installations have been assessed for vulnerabilities to terrorist attack since September 11, 2001. This section also would require the

Department to provide an annual list of unfunded antiterrorism and force-protection military construction requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Repeal of limitations on use of alternative authority for acquisition and improvement of military housing (sec. 2805)

The House bill contained a provision (sec. 2806) that would amend section 2883 of title 10, United States Code, to repeal the limitation on budget authority for contracts and investments in military housing privatization projects, effective October 1, 2005.

The Senate amendment contained a provision (sec. 2804) that would amend section 2874 of title 10, United States Code, and would repeal sections 2876, 2877, and 2882 of title 10, United States Code.

The Senate recedes with an amendment that would repeal the limitation on budgetary authority for contracts and investments for the acquisition or construction of military family housing and military unaccompanied housing. These limitations would be repealed as of the date of enactment of this Act. The amendment would also repeal section 2885 of title 10, United State Code.

Additional reporting requirements relating to alternative authority for acquisition and improvement of military housing (sec. 2806)

The Senate amendment contained a provision (sec. 2803) that ~~would amend section 2881 of title 10, United States Code, to add~~ additional requirements for reports provided by the Secretary of Defense to congressional defense committees.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Temporary authority to accelerate design efforts for military construction projects carried out using design-build selection procedures (sec. 2807)

The House bill contained a provision (sec. 2807) that would establish a demonstration program to allow the Department of Defense to enter into a design-build construction contract using design funds made available under sections 2807 and 18233 of

title 10, United States Code, prior to the authorization of the project. This section would permit the Department to enter into 36 contracts through September 30, 2008, and would require a report to Congress on the value of the program by March 1, 2007.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the demonstration program to 18 projects that are included in the annual President's budget request to Congress.

The conferees intend that in the case of a design-build project carried out under this authority for which construction funds are not subsequently authorized and appropriated by Congress, the design completed at the time of the government's termination for convenience would become the property of the United States Government.

Notification thresholds and requirements for expenditures or contributions for acquisition of facilities for Reserve components (sec. 2808)

The Senate amendment contained a provision (sec. 2812) that would amend sections 18231, 18232, 18233, and 18233a of title 10, United States Code, to modify and enhance definitions and authorities available to the Secretary of Defense, and to provide for the acquisition of facilities and land interests necessary for the proper development, training, operation, and maintenance of the Reserve components of the Armed Forces.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the modifications to notification thresholds and requirements contained in section 18233a of title 10, United States Code. The conferees note that additional modifications to section 18233 of title 10, United States Code, contained in the Senate amendment have been addressed in another conference provision (sec. 2809).

Authority to exchange Reserve component facilities to acquire replacement facilities (sec. 2809)

The House bill contained a provision (sec. 2808) that would amend section 18233 of title 10, United States Code, to provide the Secretary of Defense the authority to receive facilities, cash, or a combination of facilities and cash for existing Reserve component facilities.

The Senate amendment contained a provision (sec. 2813) that would authorize the Secretary of Defense to carry out projects to

assess the feasibility and advisability of obtaining new facilities for the Reserve components through the exchange or sale of existing facilities of such components.

The Senate recedes with an amendment that would amend chapter 1803 of title 10, United States Code, to clarify the authority of the secretary of a military department to acquire facilities through exchanges of equal value facilities with a State, local government, local authority, or private entity, and would provide temporary authority to the secretary concerned to include cash equalization payments in the terms of the exchange. The amendment would establish requirements for the terms of the agreement and would require the secretary of a military department to certify to the congressional defense committees, prior to carrying out an agreement, that certain conditions have been satisfied before an agreement is signed.

The amendment would also provide temporary authority to the secretary of a military department to make or accept cash payments as a part of an exchange agreement for facilities. The cash payments would be deposited in a special account and available to the Secretary concerned to be used in agreements to equalize the equitable exchange of facilities, or to cover costs related to operations, maintenance, and improvements to facilities acquired using an exchange agreement. The amendment would limit the use of the temporary authority, establish an expiration date, and require the Secretary of Defense to submit a report to the congressional defense committees on the usefulness of the temporary authority.

The conferees acknowledge that ambiguous definitions in chapter 1803, United States Code, have been interpreted by the military departments to authorize these exchange agreements. While the conferees recognize the benefit to the Department of Defense of certain transactions that would exchange sub-optimized ~~land or deteriorated facilities for new facilities for the~~ Reserve components, these unique agreements must be carried out with oversight from Congress.

It is the intent of the conferees that the use of this authority will satisfy, to the maximum extent possible, military construction requirements included in the Future Years Defense Plan for each Reserve component. The conferees expect that the exchange agreements will not result in additional military construction or operations and maintenance requirements imposed upon the Reserve component and that impact on current readiness and missions will be minimized during the exchange. The conferees expect that the Reserve components will consider the feasibility of addressing joint facility and land requirements within the land exchange agreements. The conferees expect the interests of the government will be protected by the use of competitive procedures, to the maximum extent practicable, in

order to obtain a realistic value for the facilities to be exchanged.

The conferees expect that the military departments will use the temporary authority to use equalizing cash payments as a condition to facilitate the exchange of facilities in order to expedite agreements to replace or improve deficient Reserve facilities, and not as an opportunity to maximize the accumulation of cash proceeds. The conferees expect the military departments to be able to provide Congress with audit information to account for cash receipts and expenditures in order to retain oversight on the use of funds.

One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States (sec. 2810)

The House bill contained a provision (sec. 2809) that would extend for one year the authority provided by section 2808 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), to permit the Secretary of Defense to utilize operation and maintenance funds to construct facilities necessary for temporary operational requirements related to a declaration of war, national emergency, or contingency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the extension of the authority contingent upon receipt by Congress of all required reports contained in the original provision.

The conferees direct the Department of Defense to determine whether they require permanent authority to utilize operation and maintenance funds to construct facilities in lieu of continuing a temporary extension.

Consideration of combination of military medical treatment facilities and health care facilities of Department of Veterans Affairs (sec. 2811)

The House bill contained a provision (sec. 2810) that would direct the Secretary of Defense and the Secretary of Veterans Affairs to certify that each project to construct medical treatment facilities, included in the annual President's budget request to Congress, had been evaluated for the feasibility of carrying out a project for a combined medical facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the certification requirement, but continue to require the Secretary of Defense and the Secretary of Veterans Affairs, when proposing construction of a medical facility, to consult on the feasibility of accomplishing a joint project.

Subtitle B-Real Property and Facilities Administration

Reorganization of existing administrative provisions relating to real property transactions (sec. 2821)

The Senate amendment contained a provision (sec. 2811) that would amend sections 2661 and 2679 of title 10, United States Code, to consolidate and clarify authorities available for real property administration. This provision would also repeal sections 2666, 2670, and 2673 of title 10, United States Code, that would be superceded as a result of the consolidations.

The House bill contained a similar provision (sec. 2812).

The House recedes with an amendment that would also repeal section 2664 of title 10, United States Code.

Development of Heritage Center for the National Museum of the United States Army (sec. 2822)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of the Army to enter into an agreement with the Army Historical Foundation for the design, construction, and operation of a facility, or group of facilities, at Fort Belvoir, Virginia for the National Museum of the United States Army.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the extent of lease payments to be received by the Secretary.

Elimination of reversionary interests clouding United States title to property used as Navy homeports (sec. 2823)

The House bill contained a provision (sec. 2817) that would authorize the Secretary of the Navy to enter into agreements with holders of reversionary interests at Navy homeports to secure permanent title to the properties for the Navy. In exchange, the

Navy may provide in-kind consideration, including modification of existing agreements that require payment to the Navy for real property improvements.

The Senate amendment contained no similar provision.

The Senate recesses.

Subtitle C-Base Closure and Realignment

Establishment of specific deadline for submission of revisions to force-structure plan and infrastructure inventory (sec. 2831)

The House bill contained a provision (sec. 2822) that would amend section 2912(a)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended) to establish March 15 of the base closure round year as the final deadline for revision of the force structure plan or infrastructure inventory.

The Senate amendment contained no similar amendment.

The Senate recesses.

Specification of final selection criteria for 2005 base closure round (sec. 2832)

The House bill contained a provision (sec. 2823) that would amend and codify the criteria that will be used by the Secretary of Defense in making recommendations for the closure or realignment of military installations inside the United States during the next base closure round.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would codify, with an amendment, the final selection criteria published by the Secretary in the Federal Register (Volume 69, Number 29) on February 12, 2004. The conferees expect that the Secretary shall adhere, to the maximum extent possible, to responses in the analysis of comments to the draft selection criteria, as published in the Federal Register on February 12, 2004, including the incorporation of elements of military value, such as research, development, test, evaluation, maintenance, and repair facilities for weapon systems; and the interaction with a highly skilled local work force and local industrial and academic institutions.

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Repeal of authority of Secretary of Defense to recommend that installations be placed in inactive status (sec. 2833)

The Senate amendment contained a provision (sec. 2814) that would repeal subsection (c) of section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended).

The House bill contained no similar amendment.

The House recedes.

Voting requirements for Defense Base Closure and Realignment Commission to add to or otherwise expand closure and realignment recommendations made by Secretary of Defense (sec. 2834)

The House bill contained a provision (sec. 2824) that would amend section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended) to require a unanimous vote of the base closure commission to recommend closure, realignment, or expanded realignment of an installation not recommended for closure or realignment by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended) to require the consent of at least seven commissioners to recommend closure, realignment, or expanded realignment of an installation not recommended for closure or realignment by the Secretary.

Subtitle D-Land Conveyances

Part I-Army Conveyances

Land conveyance, Sunflower Army Ammunition Plant, Kansas (sec. 2841)

The Senate amendment contained a provision (sec. 2833) that would authorize the Secretary of the Army, in consultation with the Administrator of General Services, to convey, with consideration, to an entity selected by the Board of

Commissioners of Johnson County, Kansas a parcel of property consisting of approximately 9,065 acres for the purpose of facilitating economic development and revitalization of the property.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the authorization for consideration to be received by the Secretary.

The conferees expect the Secretary of the Army to work with local, state, and federal environmental agencies to develop an agreement in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C. 9601 et seq.), that will lead to an accelerated cleanup and enhanced early transfer of the property. Nothing in this section shall waive any obligation of the Secretary under section 120(h) of CERCLA.

Land exchange, Fort Campbell, Kentucky and Tennessee (sec. 2842)

The conferees agree to a provision that would authorize the Secretary of the Army to convey to Bi-County Solid Waste Management System, a local government agency, a parcel of real property consisting of approximately 358 acres located at Fort Campbell in Montgomery County, Tennessee for the purpose of permitting Bi-County to expand a landfill. In exchange, the Secretary would receive a parcel of property consisting of approximately 670 acres located adjacent to Fort Campbell in Trigg County, Kentucky and Stewart County, Tennessee.

Land conveyance, Louisiana Army Ammunition Plant, Doyline, Louisiana. (sec. 2843)

The Senate amendment contained a provision (sec. 2835) that would authorize the Secretary of the Army to convey, with consideration, to the State of Louisiana a parcel of property including any improvements thereon, consisting of approximately 14,949 acres located at the Louisiana Army Ammunition Plant, Doyline, Louisiana.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees encourage the Secretary to work with local, state, and federal environmental agencies to develop a condition of the land conveyance agreement that eventually transfers to the State the responsibility for monitoring, sampling, or reporting requirements that are associated with the environmental

restoration activities of the Louisiana Army Ammunition Plant, while maintaining the government's compliance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Land conveyance, Fort Leonard Wood, Missouri (sec. 2844)

The conferees agree to a provision that would authorize the Secretary of the Army to convey, without consideration, to the State of Missouri a parcel of real property consisting of approximately 227.7 acres located at Fort Leonard Wood, Missouri for the purpose of permitting the State to establish a cemetery for veterans of the Armed Forces.

Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio (sec. 2845)

The Senate amendment contained a provision (sec. 2821) that would authorize the Secretary of the Army to transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 20 acres at the Defense Supply Center, Columbus, Ohio, for the sole purpose of constructing a new outpatient clinic for veterans' medical services.

The House bill contained a similar provision (sec. 2831)

The House recedes with a technical amendment.

Jurisdiction and utilization of former public domain lands, Umatilla Chemical Depot, Oregon (sec. 2846)

The Senate amendment contained a provision (sec. 2842) that would transfer jurisdiction to the Secretary of the Army of various parcels of property, consisting of approximately 8,300 acres located at Umatilla Army Depot, Oregon, that are withdrawn from the public domain. The Secretary would combine the transferred real property with other land interests at the Depot for purposes of management and disposal under title II of the Defense Authorization Amendment and Base Closure and Realignment Act of 1988 (Public Law 100-526) and other applicable law.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

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Modification of authority for land conveyance, equipment and storage yard, Charleston, South Carolina (sec. 2847)

The Senate amendment contained a provision (sec. 2836) that would amend section 563(h) of the Water Resources Development Act of 1999 (Public Law 106-53) to amend the authorized use of proceeds received as consideration by the Secretary of the Army for a parcel of property conveyed to the City of Charleston, South Carolina.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Fort Hood, Texas (sec.2848)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Army to convey approximately 662 acres at Fort Hood, Texas, to the Texas A&M University system of the State of Texas for the purpose of establishing the Texas A&M University, Central Texas. In exchange, the Army would receive fair market value in cash or in-kind consideration for the property.

The Senate amendment contained no similar amendment.

The Senate recedes.

The conferees anticipate that the terms and conditions for any consideration other than cash provided by the Texas A&M University system for the land received will directly enhance the educational opportunities for military personnel and their families at Fort Hood, Texas. The conferees encourage the parties to explore the possibility of providing consideration in the form of reduced tuition rates for military personnel.

Land conveyance, local training area for Browning Army Reserve Center, Utah (sec. 2849)

The Senate amendment contained a provision (sec. 2822) that would authorize the Secretary of the Army to convey, without consideration, to the State of Utah a parcel of real property consisting of approximately 10 acres located at the Browning Army Reserve Center, Utah for the purpose of constructing a nursing care facility for veterans.

The House bill contained no similar provision.

The House recedes with an amendment that would add a reversionary interest, if the Secretary of the Army determines

that the property is not being used for the purpose expressed in the legislation.

Land conveyance, Army Reserve Center, Hampton, Virginia (sec. 2850)

The Senate amendment contained a provision (sec. 2824) that would authorize the Secretary of the Army to convey, without consideration, to the Hampton City School Board, Hampton, Virginia, a parcel of real property consisting of approximately 29.8 acres, known as the Butler Farm United States Army Reserve Center, for public education purposes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Army National Guard Facility, Seattle, Washington (sec. 2851)

The Senate amendment contained a provision (sec. 2825) that would authorize the Secretary of the Army to convey, without consideration, to the State of Washington a parcel of real property consisting of approximately 9.8 acres in Seattle, Washington and comprising a portion of a National Guard Facility, Pier 91, for the purpose of permitting the State to convey the facility unencumbered for economic redevelopment purposes.

The House bill contained a similar provision (sec. 2833).

The House recedes with a technical amendment.

~~*Modification of land exchange and consolidation, Fort Lewis Washington (sec. 2852)*~~

The House bill contained a provision (sec. 2834) that would amend the section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107) to increase the acreage authorized to be conveyed and to clarify the treatment of easements.

The Senate amendment contained no similar provision.

The Senate recedes.

Part II-Navy Conveyances

Land exchange, former Richmond Naval Air Station, Florida (sec. 2861)

The conferees agree to a provision that would authorize the Secretary of the Army to convey to the University of Miami, Miami, Florida, a parcel of real property and easements consisting of approximately 14 acres at the former Richmond Naval Air Station, Miami, Florida for the purpose of expansion of university facilities. In exchange, the Secretary would be authorized to receive a parcel of real property consisting of approximately 12 acres, and related easements and construction to provide security and access to the parcel.

Land conveyance, Honolulu, Hawaii (sec. 2862)

The Senate amendment included a provision (sec. 2827) that would authorize the Secretary of the Navy to convey to the City and County of Honolulu, Hawaii, a parcel of real property consisting of approximately 5.16 acres for the purpose of continuing fire protection and training for civilian and military personnel.

The House bill contained no similar provision.
The House recedes.

Land conveyance, Navy property, former Fort Sheridan, Illinois (sec. 2863)

The House bill contained a provision (sec. 2842) that would authorize the Secretary of the Navy to convey, without ~~consideration, a parcel of environmentally sensitive property to~~ a nonprofit land conservation organization, for the purpose of ensuring permanent protection of the lands.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Land exchange, Naval Air Station, Patuxent River, Maryland (sec. 2864)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Navy to convey approximately 5 acres of real property at Naval Air Station, Patuxent River, Maryland, to the state of Maryland. In exchange, the Navy shall

receive approximately 5 acres of property of an equal value to the conveyance.

The Senate amendment contained a similar provision (sec. 2831).

The House recedes with a technical amendment.

Modification of land acquisition authority, Perquimans County, North Carolina (sec. 2865)

The conferees agree to a provision that would amend section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107) to increase the amount of acreage that the Secretary of the Navy is authorized to acquire.

Land conveyance, Naval Weapons Station, Charleston, South Carolina (sec. 2866)

The Senate amendment contained a provision (sec. 2834) that would authorize the Secretary of the Navy to convey, with fair market value consideration, to the Berkeley County Sanitation Authority, South Carolina, a parcel of property consisting of not more than 38 acres at the Naval Weapons Station, Charleston, South Carolina, for the purpose of allowing the Authority to expand an existing sewage treatment plant.

The House bill contained no similar provision.

The House recedes with a technical amendment.

~~*Land conveyance, Navy YMCA building, Portsmouth, Virginia (sec. 2867)*~~

The Senate amendment contained a provision (sec. 2828) that would authorize the Secretary of the Navy to convey, without consideration, to the City of Portsmouth, Virginia, a parcel of real property consisting of approximately 1/2 acre, known as the Navy YMCA building, for economic revitalization purposes.

The House bill contained no similar provision.

The House recedes with a technical amendment that would require the city to provide consideration equal to the costs related to the environmental remediation in exchange for the property.

Part III-Air Force Conveyances

Land exchange, Maxwell Air Force Base, Alabama (sec. 2871)

The House bill contained a provision (sec. 2851) that would authorize the Secretary of the Air Force to convey approximately 28 acres comprising the Maxwell Heights Housing site at Maxwell Air Force Base, Alabama, to the city of Montgomery, Alabama. In exchange, the Air Force shall receive approximately 35 acres of land contiguous to Maxwell Air Force Base.

The Senate amendment contained a similar provision (sec. 2830).

The Senate recedes with an amendment that would state the use of the land to be received by the Air Force, and would permit the Air Force to seek reimbursement for the costs of the exchange.

Land conveyance, March Air Force Base, California (sec. 2872)

The Senate amendment contained a provision (sec. 2832) that would authorize the Secretary of the Air Force to convey, with consideration, to the March Joint Powers Authority a parcel of property consisting of approximately 15 acres located in Riverside County, California and containing the former Defense Reutilization and Marketing Office facility for March Air Force Base. The purpose of the conveyance would be for economic development and revitalization.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, former Griffiss Air Force Base, New York (sec. 2873)

The Senate amendment contained a provision (sec. 2829) that would authorize the Secretary of the Air Force to convey, at fair market value, to the Oneida County Industrial Development Agency, New York, a parcel of property at the former Griffiss Air Force Base, New York, consisting of 9.369 acres, including four buildings, for economic development purposes.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

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Part IV-Other Conveyances

Land exchange, Arlington County, Virginia (sec. 2881)

The Senate amendment contained provision (sec. 2823) that would authorize the Secretary of Defense to exchange a parcel of real property consisting of not more than 4.5 acres at the Navy Annex property, Virginia to Arlington County, Virginia for a parcel of approximately equal acreage known as the Southgate Road right-of-way between Arlington National Cemetery and the Navy Annex property.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the location of the land to be conveyed and would provide conditions to the Secretary for the land conveyance.

Subtitle E-Other Matters

One-year resumption of Department of Defense Laboratory Revitalization Demonstration Program (sec. 2891)

The Senate amendment contained a provision (sec. 2841) that would authorize the Secretary of Defense to carry out a follow-on program for the revitalization of laboratories operated by the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that establishes an authorization expiration date of September 30, 2005.

Designation of Airmen Leadership School at Luke Air Force Base, Arizona, in honor of John J. Rhodes, a former minority leader of the House of Representatives (sec. 2892)

The House bill contained a provision (sec. 2816) that would designate the Airmen Leadership School at Luke Air Force Base, Arizona, as the John J. Rhodes Airmen Leadership School in honor of the former minority leader of the House of Representatives, Congressman John J. Rhodes.

The Senate amendment contained no similar provision.

The Senate recedes.

*Settlement of claim of Oakland Base Reuse Authority and
Redevelopment Agency (sec. 2893)*

The Senate amendment contained a provision (sec. 2844) that would authorize the Secretary of the Navy to pay \$2.1 million to the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California, as settlement from a court case.

The House bill contained no similar amendment.

The House recedes with amendment that would clarify the release of claims against the United States.

*Report on establishment of mobilization station at Camp Ripley
National Guard Training Center, Little Falls, Minnesota (sec.
2894)*

The Senate amendment contained a provision (sec. 1023) that would direct the Secretary of Defense to carry out a study on the feasibility of the use of Camp Ripley National Guard Training Center, Little Falls, Minnesota, as a mobilization center for Reserve components ordered to active duty.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Report on feasibility of establishment of veterans memorial at
Marine Corps Air Station, El Toro, California (sec. 2895)*

The House bill contained a provision (sec. 2818) that would require the Secretary of the Navy, within 30 days of enactment of ~~this Act, to report to Congress whether the anticipated future~~ uses of the former Marine Corps Air Station, El Toro, California, by the City of Irvine, California, would permit the establishment of a veterans memorial at the former installation.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Sense of Congress regarding effect of military housing policies
and force structure basing changes on local education agencies
(sec. 2896)*

The Senate amendment contained a provision (sec. 353) that would express the sense of the Senate that the Department of

Defense should support the construction of schools in housing privatization agreements that severely impact school populations.

The House bill contained no similar provision.

The conferees agree to express the sense of Congress that the Department of Defense should consider the effects that the analyses used to determine military housing requirements, changes in force structure due to transformation, and overseas basing realignments will have on the number of school-aged military dependents and the need for additional educational facilities to serve such dependents. In many cases, local school districts do not have the resources or flexibility to respond quickly to changes in requirements, resulting in budget shortfalls and the use of inadequate, temporary facilities affecting the quality of education. The Department should address such effects by closely coordinating changes in requirements with local education agencies. The Department should also consider using existing authority under subchapter IV of chapter 169 of title 10, United States Code, to include the construction of educational facilities in military housing privatization initiatives.

Sense of Congress and study regarding memorial honoring non-United States citizens killed in the line of duty while serving in the United States Armed Forces (sec. 2897)

The House bill contained a provision (sec. 1081) that would require the Secretary of the Army to place in Arlington National Cemetery a memorial marker honoring the service and sacrifice of noncitizens killed in the line of duty while serving in the Armed Forces of the United States.

The Senate amendment contained no similar provision.

~~The Senate recedes with an amendment that would express the sense of the Congress that a memorial marker or monument honoring the service and sacrifice of noncitizen service members killed in the line of duty should be designed and placed in an appropriate location. The amendment would require the Secretary of the Army, in consultation with the Secretary of Veterans Affairs and the American Battle Monuments Commission, to conduct a study examining the feasibility of placing such a memorial marker in the Arlington National Cemetery, or some other suitable location. It would require the Secretary of the Army to submit a report on this study and any recommendations by April 1, 2005.~~

Legislative Provisions Not Adopted

Increase in thresholds for unspecified minor military construction projects

The Senate amendment contained a provision (sec. 2801) that would amend section 2805(a)(1) of title 10, United States Code, by raising the threshold of the cost of a construction project authorized by this section from \$1.5 million to \$2.5 million. This provision would also raise the threshold of the cost of a construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening from \$3.0 million to \$4.0 million.

The House bill contained no similar provision.

The Senate recedes.

Increase in certain thresholds for carrying out unspecified minor military construction projects

The House bill contained a provision (sec. 2801) that would amend section 2805(b) of title 10, United States Code, to increase from \$750,000 to \$1.0 million the threshold at which service secretaries must approve the use of operation and maintenance funds for unspecified minor construction projects. This section would also amend section 2805(c) to establish a single limit of \$1.5 million at which operation and maintenance funds may be used for unspecified minor construction projects.

The Senate amendment contained no similar amendment.

The House recedes.

Increase in certain thresholds for reporting real property transactions

The House bill contained a provision (sec. 2811) that would amend section 2662 of title 10, United States Code, to increase from \$750,000 to \$1.5 million the thresholds at which the military services must report to Congress real property transactions. This section would also change the threshold amounts in annual reporting requirements for minor real property transactions.

The Senate amendment contained no similar provision.

The House recedes.

Treatment of money rentals from golf course at Rock Island Arsenal, Illinois

The House bill contained a provision (sec. 2813) that would amend section 2667 of title 10, United States Code, to allow 50 percent of lease receipts from the Rock Island Arsenal Golf Club, a community club that leases and operates the arsenal's golf course for the general public and local military personnel, to be placed into the Rock Island Arsenal morale, welfare, and recreation fund.

The Senate amendment contained no similar position.

The House recedes.

Number of contracts authorized department-wide under demonstration program on reduction in long-term facility maintenance costs

The House bill contained a provision (sec. 2814) that would amend section 2814 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), to adjust the number of contracts permitted under the building commissioning program.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of Commission on Review of Overseas Military Facility Structure of the United States

The House bill contained a provision (sec. 2815) that would ~~repeal section 108 of the Military Construction Appropriations Act, 2004 (Public Law 108-132), which established the Commission on the Review of Overseas Military Facility Structure of the United States.~~

The Senate amendment contained no similar provision.

The House recedes.

Two-year postponement of 2005 base closure and realignment round and submission of reports regarding future infrastructure requirements for the Armed Forces.

The House bill contained a provision (sec. 2821) that would amend current base realignment and closure law to postpone the

2005 base closure and realignment round until 2007, pending receipt of several reports on significant infrastructure issues.

The Senate amendment contained no similar amendment.

The House recesses.

Adherence to certain authorities on preservation of military depot capabilities during any subsequent round of base closures and realignments

The House bill contained a provision (sec. 2825) that would amend the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended) to require that base closure and realignment actions comply with provisions of title 10, United States Code, that address government-owned, government-operated depot-level maintenance, repair, and logistics capabilities within the Department of Defense.

The Senate amendment contained no similar provision.

The House recesses.

The conferees acknowledge that section 2464 of title 10, United States Code, requires the Department of Defense to maintain government-owned and operated logistics capabilities to include work force and facilities, to ensure a ready and controlled source of technical competence and resources necessary to support an effective and timely response to a mobilization, a national defense contingency situation, and other emergency requirements. Section 2466 of the same title requires that no more than 50 percent of each military department's annual funding for depot level maintenance and repair activities be performed in the private sector. While these sections are intended to preserve a certain level of depot and logistics capabilities in

Defense to waive these provisions for reasons of national security.

The conferees believe that military base realignment and closure actions undertaken by the Department under authority provided in the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), as amended by the National Defense Authorization Act for 2002 (division B of Public Law 107-107), must be consistent with the provisions in title 10, United States Code, pertaining to the preservation of depot logistics capabilities.

Therefore, the conferees direct the Secretary of Defense to ensure that the recommendations submitted to the Commission, pursuant to the Base Closure and Realignment Act, adhere to sections 2464 and 2466 of title 10, United States Code. The

conferees further direct the Secretary to ensure that the same recommendations will not result in the requirement to perpetually waive the provisions of sections 2464 and 2466 of title 10, United States Code.

Transfer of jurisdiction, Nebraska Avenue Naval Complex, District of Columbia

The House bill contained a provision (sec. 2841) that would transfer jurisdiction of the Nebraska Avenue Naval Complex in Washington, D.C., from the Navy to the Administrator of General Services for the purpose of accommodating the Department of Homeland Security.

The Senate amendment contained a similar provision (sec. 2826).

The authority for the Secretary of the Navy to transfer jurisdiction of the Nebraska Avenue Naval Complex to the Administrator of General Services for use by the Department of Homeland Security was provided by Congress in Public Law 108-268, signed on July 2, 2004. Therefore, this provision is not adopted by the conferees.

TITLE XXXI-DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Overview

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy (DOE) for fiscal year 2005, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; defense nuclear nonproliferation; naval nuclear propulsion; environmental restoration and waste management; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). The title would authorize appropriations in four categories: National Nuclear Security Administration (NNSA); defense environmental management; other defense activities; and defense nuclear waste disposal.

The budget request for atomic energy defense activities at DOE totaled \$16.8 billion, a \$483.2 million increase above the fiscal year 2004 level. Of the total amount requested, \$9.0 billion would be for NNSA, of which \$6.6 billion would be for weapons activities; \$1.3 billion would be for defense nuclear nonproliferation activities; \$797.9 million would be for naval reactors; \$333.7 million would be for the Office of the Administrator; \$7.0 billion would be for defense environmental management, of which \$6.0 billion would be for defense site acceleration completion and \$982.5 million would be for defense environmental services; \$663.6 million would be for other defense activities; and \$131.0 million would be for defense nuclear waste disposal.

The conferees agree to authorize \$16.8 billion for atomic energy defense activities at DOE, an increase of \$483.2 million above the fiscal year 2004 level. The conferees agree to authorize \$9.1 billion for the NNSA, an increase of \$33.6 million above the budget request. Of the amounts authorized for the NNSA, \$6.6 billion would be for weapons activities, an increase of \$23.6 million; \$1.3 billion would be for defense nuclear nonproliferation activities; \$797.9 million would be for naval reactors; and \$343.7 million would be for the Office of the Administrator, an increase of \$10.0 million above the budget request. The conferees agree to authorize \$7.0 billion for defense environmental management, an increase of \$4.0 million above the budget request. Of the amounts authorized for defense environmental management, \$6.0 billion would be for defense site acceleration completion and \$986.5 million for defense environmental services. The conferees agree to authorize \$636.0 million for other defense activities, a decrease of \$27.6 million below the budget request. The conferees agree to authorize \$120.0 million for defense nuclear waste disposal, a decrease of \$11.0 million below the budget request.

authorizations:

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>Conference</u>
	<u>Request</u>	<u>Authorized</u>	<u>Authorized</u>	<u>Change</u>	<u>Authorized</u>
Atomic Energy Defense Activities (053)					
National Nuclear Security Administration:					
Weapons activities	6,568,453	6,577,953	6,674,898	23,600	6,592,053
Defense nuclear nonproliferation	1,348,647	1,338,147	1,348,647		1,348,647
Naval reactors	797,900	797,900	797,900		797,900
Office of the administrator	333,700	333,700	343,700	10,000	343,700
Total, National Nuclear Security Administration	9,048,700	9,047,700	9,165,145	33,600	9,082,300
Environmental and other defense activities:					
Defense site acceleration competition	5,970,837	5,926,837	5,971,932		5,970,837
Defense environmental services	982,470	986,470	982,470	4,000	986,470
Other defense activities	663,636	657,636	568,096	-27,600	636,036
Defense nuclear waste disposal	131,000	131,000	108,000	-11,000	120,000
Total, Environmental & other defense activities	7,747,943	7,701,943	7,630,498	-34,600	7,713,343
Total, Department of Energy	16,796,643	16,749,643	16,795,643	-1,000	16,795,643
Defense Nuclear Facilities Safety Board	20,268	21,268	21,268	1,000	21,268
Formerly Utilized Sites Remedial Action Program - Corps of Engineers	[140,000]				[140,000]
Total, Atomic Energy Defense Activities (053)	16,816,911	16,770,911	16,816,911		16,816,911

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>Conference</u>
	<u>Request</u>	<u>Authorized</u>	<u>Authorized</u>	<u>Change</u>	<u>Authorized</u>
Weapons Activities					
Directed stockpile work (DSW)					
B61 life extension program	117,927	117,927	117,927		117,927
W76 life extension program	213,111	213,111	213,111		213,111
W80 life extension program	146,400	146,400	146,400		146,400
B61 stockpile systems	91,256	91,256	91,256		91,256
W62 stockpile systems	18,401	18,401	18,401		18,401
W76 stockpile systems	137,527	137,527	137,527		137,527
W78 stockpile systems	44,313	44,313	44,313		44,313
W80 stockpile systems	49,507	49,507	49,507		49,507
B83 stockpile systems	44,995	44,995	44,995		44,995
W84 stockpile systems	6,119	6,119	6,119		6,119
W87 stockpile systems	94,884	94,884	94,884		94,884
W88 stockpile systems	49,093	49,093	49,093		49,093
Retired warheads stockpile systems	65,258	65,258	65,258		65,258
Stockpile services research & development certification and safety	157,986	157,986	157,986		157,986
Stockpile services management technology and production	133,101	133,101	133,101		133,101
Stockpile services advanced concepts	9,000	9,000	9,000		9,000
Stockpile services robust nuclear earth penetrator	27,557	27,557	27,557		27,557
Reduction for individual warhead life extension programs		-39,000		-21,500	-21,500
Total Directed stockpile work	1,406,435	1,367,435	1,406,435	-21,500	1,384,935

Department of Energy National Security Programs
(Dollars in Thousands)

Campaigns	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Science campaigns					
Primary assessment technology	81,473	81,473	81,473		81,473
Dynamic materials properties	91,521	91,521	91,521		91,521
Advanced radiography	62,371	62,371	62,371		62,371
Secondary assessment technologies	65,597	65,597	65,597		65,597
Program decrease		-19,500		-19,500	-19,500
Total, Science campaigns	300,962	281,462	300,962	-19,500	281,462
Engineering campaign					
Operations and maintenance					
Enhanced surety	38,121	38,121	38,121		38,121
Weapons system engineering assessment technology	27,270	27,270	27,270		27,270
Nuclear survivability	24,460	24,460	24,460		24,460
Enhanced surveillance	99,879	99,879	99,879		99,879
Microsystems and engineering sciences (MESA) other project costs (OPC)	4,600	4,600	4,600		4,600
Application (MESA) construction	48,654	68,654	48,654	10,000	58,654
Program increase		[20,000]		[10,000]	
Total, Engineering campaign	242,984	262,984	242,984	10,000	252,984
Inertial confinement fusion and high yield campaign					
Ignition	76,437	76,437	76,437		76,437
Support of stockpile program	38,987	38,987	38,987		38,987

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
NIF diagnostics, cryogenics, and experiment support	44,023	44,023	44,023		44,023
Pulsed power inertial confinement fusion	10,080	10,080	10,080		10,080
University grants/other support	7,776	7,776	7,776		7,776
Facility operations and target production	63,056	63,056	63,056		63,056
Inertial fusion technology					
NIF demonstration program	113,700	113,700	113,700		113,700
High-energy petawatt laser development	7,975	7,975	7,975		7,975
NIF other project costs (OPC)					
NIF construction	130,000	130,000	130,000		130,000
Total, Inertial confinement fusion ignition and high yield campaign	492,034	492,034	492,034		492,034
Advanced simulation and computing campaign					
Advanced application development	150,793	150,793	150,793		150,793
Verification and validation	49,780	49,780	49,780		49,780
Materials and physics modeling	72,062	72,062	72,062		72,062
Problem solving environment (PSE)	45,072	45,072	45,072		45,072
Distance computing (DisComp)	17,068	17,068	17,068		17,068
Pathforward	18,000	18,000	18,000		18,000
Visual interactive environment for weapons simulation (VIEWS)	61,635	61,635	61,635		61,635
Physical infrastructure & platforms	140,000	140,000	140,000		140,000
Computational systems	64,081	64,081	64,081		64,081
Simulation support	59,413	59,413	59,413		59,413
Advanced architecture	3,000	3,000	3,000		3,000

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005 Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Conference Authorized</u>
University partnerships	47,980	47,980	47,980		47,980
ASCI integration	9,148	9,148	9,148		9,148
Subtotal, Advanced simulation and computing	738,032		738,032		738,032
Construction projects	3,228	3,228	3,228		3,228
Reduction for cost growth		-20,000		-10,000	-10,000
Total, Advanced simulation and computing campaign	741,260	721,260	741,260	-10,000	731,260
Pit manufacturing and certification campaign					
W88 pit manufacturing	132,005	132,005	132,005		132,005
W88 pit certification	101,470	101,470	101,470		101,470
Pit manufacturing capability	20,992	20,992	20,992		20,992
Modern pit facility	29,800	29,800	29,800		29,800
Pit campaign support activities at NTS	52,206	52,206	52,206		52,206
Total, Pit manufacturing and certification campaign	336,473	336,473	336,473		336,473
Readiness Campaign					
Stockpile readiness	45,812	45,812	45,812		45,812
High explosives and weapon operations	34,220	34,220	34,220		34,220
Non-nuclear readiness	35,457	35,457	35,457		35,457
Tritium readiness	58,850	58,850	58,850		58,850
Tritium readiness construction	21,000	21,000	21,000		21,000
Advanced design & production technologies	84,788	84,788	84,788		84,788
Total, Readiness campaign	280,127	280,127	280,127		280,127

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>Conference</u>
	<u>Request</u>	<u>Authorized</u>	<u>Authorized</u>	<u>Change</u>	<u>Authorized</u>
Readiness in technical base and facilities (RTBF)					
Operations of facilities					
Kansas City Plant	101,775	106,775	122,375	12,600	114,375
Program increase		[5,000]	[20,600]	[12,600]	
LLNL	54,765	62,765	54,765	6,000	60,765
Program increase		[8,000]		[6,000]	
LANL	318,913	318,913	318,913		318,913
Nevada Test Site	70,180	70,180	70,180		70,180
Pantex Plant	97,741	116,741	116,841	19,000	116,741
Program increase		[19,000]	[19,100]	[9,000]	
Sandia National Laboratories	150,710	168,710	150,710	9,000	159,710
Program increase		[18,000]		[9,000]	
Savannah River Site	95,173	95,173	95,173		95,173
Y-12 National Security Complex	98,194	116,194	98,194	9,000	107,194
Program increase		[18,000]		[9,000]	
Institutional site support	30,106	30,106	30,106		30,106
Operation of facilities, RTBF			11,745		
Program readiness	106,204	106,204	106,204		106,204
Special projects	20,534	20,534	20,534		20,534
Material recycle and recovery	86,965	86,965	86,965		86,965
Containers	17,910	17,910	17,910		17,910
Storage	18,982	18,982	18,982		18,982
Total operations & maintenance	1,268,152	1,336,152	1,319,597	55,600	1,323,752

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u> <u>Request</u>	<u>House</u> <u>Authorized</u>	<u>Senate</u> <u>Authorized</u>	<u>Conference</u> <u>Change</u>	<u>Conference</u> <u>Authorized</u>
Construction:					
05-D-140 Project engineering and design various locations	11,600	11,600	11,600		11,600
05-D-401 Building 12-64 production bays upgrades Pantex Plant, Amarillo, TX	25,100	25,100	25,100		25,100
05-D-402 Beryllium capabilities (BEC) project, Y-12 National Security Complex, Oakridge, TN	3,627	3,627	3,627		3,627
04-D-103 Project engineering and design, (PED) various locations	1,500	1,500	1,500		1,500
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	24,000	24,000	24,000		24,000
04-D-126 Building 12-44 production cells upgrade, Pantex plant, Amarillo, TX	2,600	2,600	2,600		2,600
04-D-128 TA-18 mission relocation project, Los Alamos National Laboratory, Los Alamos, NM					
03-D-102 LANL Administration Building (LANL)	37,348	37,348	37,348		37,348
03-D-103 Project engineering and design (PED) various locations	15,275	15,275	15,275		15,275
03-D-123 Special nuclear materials component requalification facility, Pantex plant, Amarillo, TX	4,602	4,602	4,602		4,602
02-D-103 Project engineering and design, various locations	5,250	5,250	5,250		5,250
02-D-105 Engineering technology complex upgrade (ETCU), LLNL, Livermore, CA	5,400	5,400	5,400		5,400

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u> <u>Request</u>	<u>House</u> <u>Authorized</u>	<u>Senate</u> <u>Authorized</u>	<u>Conference</u> <u>Change</u>	<u>Conference</u> <u>Authorized</u>
01-D-103 Project engineering and design (PED) various locations	6,000	6,000	6,000		6,000
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN	64,000	64,000	64,000		64,000
Total, Construction	206,302	206,302	206,302		206,302
Total, Readiness in technical base and facilities	1,474,454	1,542,454	1,525,899	55,600	1,530,054
Secure transportation asset					
Operations and equipment	143,873	143,873	143,873		143,873
Program direction	57,427	57,427	57,427		57,427
Subtotal, Secure transportation asset	201,300	201,300	201,300		201,300
Use of prior year balances					
Total, Secure transportation asset	201,300	201,300	201,300		201,300
Nuclear weapons incident response					
Emergency response	93,119	93,119	93,119		93,119
Emergency management	6,090	6,090	6,090		6,090
Total, nuclear weapons incident response	99,209	99,209	99,209		99,209
Facilities and infrastructure recapitalization program					
Operation and maintenance	291,543	291,543	311,543		291,543
Program increase			[20,000]		

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>Conference</u>
	<u>Request</u>	<u>Authorized</u>	<u>Authorized</u>	<u>Change</u>	<u>Authorized</u>
Construction:					
05-D-160 Facilities and infrastructure recapitalization program (FIRP), project engineering and design (PED), various locations	8,700	8,700	8,700		8,700
05-D-601 Compressed air upgrade project (CAUP), Y-12, National security complex, Oak Ridge, TN	4,400	4,400	4,400		4,400
05-D-602 Power grid infrastructure upgrade (PGIU), Los Alamos National Laboratory, Los Alamos, NM	10,000	10,000	10,000		10,000
05-D-603 New master substation (NMSU) SNL	600	600	600		600
04-D-203 Facilities and infrastructure recapitalization program (FIRP), project engineering and design (PED), various locations	981	981	981		981
Total, Construction	24,681	24,681	24,681		24,681
Total, Facilities and infrastructure recapitalization program	316,224	316,224	336,224		316,224
Safeguards and security					
Operations and maintenance					
Physical security	589,491	589,491	589,491		589,491
Cyber Security	80,500	80,500	80,500		80,500
Design basis threat requirements			10,000		9,000
Operation and maintenance Y-12			25,000		9,000
Total, operations and maintenance	669,991	669,991	704,991		678,991

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u> <u>Request</u>	<u>House</u> <u>Authorized</u>	<u>Senate</u> <u>Authorized</u>	<u>Conference</u> <u>Change</u>	<u>Conference</u> <u>Authorized</u>
Construction:					
05-D-170 Project engineering and design, various locations	17,000	17,000	17,000		17,000
05-D-701 Security perimeter project, Los Alamos, National Laboratory, Los Alamos, NM	20,000	20,000	20,000		20,000
Total, construction	37,000	37,000	37,000		37,000
Total, Safeguards and security	706,991	706,991	741,991	9,000	715,991
Subtotal, Weapons Activities	6,598,453	6,607,953	6,704,898	23,600	6,622,053
Adjustments					
Use of prior year balances	-30,000	-30,000	-30,000		-30,000
Less security charge for reimbursable work	-30,000	-30,000	-30,000		-30,000
Total, Adjustments	-60,000	-60,000	-60,000		-60,000
Total, Weapons Activities	6,568,453	6,577,953	6,674,898	23,600	6,592,053
Defense Nuclear Nonproliferation					
Nonproliferation and verification R&D					
Operation and maintenance	220,000	220,000	245,000	25,000	245,000
Program increase			[25,000]	[25,000]	
Nonproliferation and international security	124,000	124,000	124,000		124,000
Nonproliferation programs with Russia					
International nuclear materials protection and cooperation	238,000	227,500	238,000		238,000
Program decrease		[-10,500]			

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005 Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Conference Authorized</u>
Russian transition initiatives	41,000	41,000	41,000		41,000
HEU transparency implementation	20,950	20,950	20,950		20,950
Elimination of weapons-grade plutonium production program	50,097	50,097	50,097		50,097
Fissile materials disposition					
U S surplus materials disposition	184,700	184,700	184,700		184,700
Russian surplus materials disposition	64,000	64,000	64,000		64,000
Total, Fissile materials disposition	248,700	248,700	248,700		
Construction:					
99-D-141 Pit disassembly and conversion facility, Savannah River, SC	32,300	32,300	32,300		32,300
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	368,000	368,000	368,000		368,000
Total, Construction	400,300	400,300	400,300		400,300
Reduction due to delay in program			-25,000	-25,000	
Total, Fissile materials disposition	649,000	649,000	624,000	-25,000	624,000
Total, Nonproliferation program with Russia	999,047	988,547	974,047	-25,000	974,047
Offsite source recovery project	5,600	5,600	5,600		5,600
Subtotal, Defense Nuclear Nonproliferation Adjustments:	1,348,647	1,338,147	1,348,647		1,348,647
Use of prior year balances					
Total, Adjustments	1,348,647	1,338,147	1,348,647		1,348,647
Total, Defense Nuclear Nonproliferation					

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>Conference</u>
	<u>Request</u>	<u>Authorized</u>	<u>Authorized</u>	<u>Change</u>	<u>Authorized</u>
Naval Reactors					
Naval reactors development	761,211	761,211	761,211		761,211
Operation and maintenance					
Construction:					
05-N-900 Materials development facility building, Schenectady, NY	6,200	6,200	6,200		6,200
90-N-102 Expanded core facility dry cell project, Naval Reactors Facility, ID	989	989	989		989
Total, Construction	7,189	7,189	7,189		7,189
Total, Naval reactors development	768,400	768,400	768,400		768,400
Program direction	29,500	29,500	29,500		29,500
Subtotal, Naval Reactors	797,900	797,900	797,900		797,900
Total, Naval Reactors	797,900	797,900	797,900		797,900
Office Of The Administrator					
Office of the Administrator	333,700	333,700	333,700		333,700
Pajarito Plateau Homesteaders				10,000	10,000
Total, Office of the Administrator	333,700	333,700	343,700	10,000	343,700

Department of Energy National Security Programs
(Dollars in Thousands)

Defense Site Acceleration Completion (Defense Facilities Closure Projects)

2006 Accelerated completions					
Operation and maintenance	1,251,799	1,251,799	1,251,799		1,251,799
Program increase				[1,095]	
2012 Accelerated Completions					
Operation and maintenance	1,437,001	1,437,001	1,437,001		1,437,001
Construction:					
04-D-414 Project engineering and design, various locations	3,000	3,000	3,000	3,000	3,000
04-D-423 3013 container surveillance capability in 235-F, SR	20,640	20,640	20,640	20,640	20,640
01-D-416 Waste treatment and immobilization plant, RL	690,000	690,000	690,000	690,000	690,000
Total, Construction	713,640	713,640	713,640	713,640	713,640
Total, 2012 Accelerated Completions	2,150,641	2,150,641	2,150,641	2,150,641	2,150,641
2035 Accelerated Completions					
Operation and maintenance	1,849,512	1,849,512	1,849,512		1,849,512
Construction:					
04-D-408 Glass waste storage building #2, SR	43,827	43,827	43,827	43,827	43,827
Total, Construction	43,827	43,827	43,827	43,827	43,827
Total, 2035 Accelerated Completions	1,893,339	1,893,339	1,893,339	1,893,339	1,893,339

Department of Energy National Security Programs
(Dollars in Thousands)

Safeguards and security	<u>FY2005 Request</u>	<u>House Authorized</u>	<u>Senate Authorized</u>	<u>Conference Change</u>	<u>Conference Authorized</u>
	265,059	265,059	265,059		265,059
High level waste (WIR) legislative proposal					
Operation and maintenance	249,442	249,442	249,442		249,442
Construction					
05-D-401 Salt waste processing facility, Savannah River	52,000	52,000	52,000		52,000
04-D-414 04-02 PED: Sodium bearing waste treatment, Idaho	24,900	24,900	24,900		24,900
03-D-414 PED: salt waste processing facility alternative, Savannah River	23,658	23,658	23,658		23,658
Total, Construction	100,558	100,558	100,558		100,558
Program increase (H. Amdt)	50,000				
Total, High level waste legislative proposal	350,000	300,000	350,000		350,000
Technology development and deployment	60,142	66,142	60,142		60,142
Hammer		[6,000]			
Hammer (non-additive)				[6,000]	
Subtotal, Defense Site Acceleration Completion	5,970,980	5,926,980	5,972,075		5,970,980
Use of prior year balances					
Less security charge for reimbursement work	-143	-143	-143		-143
Total, Defense Site Acceleration Completion	5,970,837	5,926,837	5,971,932		5,970,837

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u> <u>Request</u>	<u>House</u> <u>Authorized</u>	<u>Senate</u> <u>Authorized</u>	<u>Conference</u> <u>Change</u>	<u>Conference</u> <u>Authorized</u>
Defense Environmental Services					
Community and regulatory support	60,547	60,547	60,547		60,547
Federal contribution to the uranium enrichment	463,000	467,000	463,000	4,000	467,000
Non-closure environmental activities		[4,000]		[4,000]	
Operation and maintenance	187,864	187,864	187,864		187,864
Spent nuclear fuel management					
Program direction	271,059	271,059	271,059		271,059
Subtotal, Defense Environmental Services	982,470	986,470	982,470	4,000	986,470
Use of prior year balances					
Total, Defense Environmental Services	982,470	986,470	982,470	4,000	986,470
Other Defense Activities					
Energy security and assurance					
Energy security	6,100	6,100		-6,100	
Program decrease			[-6,100]	[-6,100]	
Program direction	4,500	4,500		-4,500	
Program decrease			[-4,500]	[-4,500]	
Total, Energy security and assurance	10,600	10,600		-10,600	
Office of Security					
Nuclear safeguards and security	143,197	143,197	143,197		143,197
Security investigations	53,554	53,554	53,554		53,554
International nuclear analysis			1,500	1,500	
Program direction	58,350	58,350	58,350		58,350
Total, Office of Security	255,101	255,101	256,601	1,500	256,601

Department of Energy National Security Programs
(Dollars in Thousands)

Independent oversight and performance assurance	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	24,669	24,669	24,669		24,669
Civilian radioactive waste management					
Spent nuclear fuel management	21,190	21,190	21,190		21,190
Program direction	1,060	1,060	1,060		1,060
Total, Civilian radioactive waste management	22,250	22,250	22,250		22,250
Environment, safety & health					
Environment, safety and health (defense)	99,105	99,105	99,105		99,105
Program direction	20,414	20,414	20,414		20,414
Total, Environment, safety and health	119,519	119,519	119,519		119,519
Office of Legacy Management					
Legacy management	19,194	19,194	19,694	500	19,694
Program increase			[500]	[500]	
Worker and community transition	2,500		6,000	500	3,000
Program increase			[3,500]	[500]	
Program decrease		[-2,500]			
Program direction	13,201	13,201	13,201		13,201
Total, Office of Legacy Management	34,895	32,395	38,895	1,000	35,895

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>	<u>Conference</u>
	<u>Request</u>	<u>Authorized</u>	<u>Authorized</u>	<u>Change</u>	<u>Authorized</u>
Nuclear energy					
Infrastructure	20,886	22,386	20,886	1,500	22,386
Lynchburg repackaging		[1,500]		[1,500]	
Idaho sitewide safeguards and security	58,103	58,103	58,103		58,103
Total, Infrastructure	78,989	80,489	78,989	1,500	80,489
Program direction	33,858	33,858	33,858		33,858
Total, Nuclear energy	112,847	114,347	112,847	1,500	114,347
Defense related administrative support					
Program decrease	92,440	92,440		-21,000	71,440
Office of hearings and appeals	4,318	4,318	[-92,440]	[-21,000]	4,318
Office of Future Liabilities					
Future Liabilities	5,000			-5,000	
Program decrease		[-5,000]	[-5,000]	[-5,000]	5,000
Office of engineering and construction management			7,000	5,000	
Subtotal, Other defense activities	681,639	675,639	586,099	-27,600	654,039

Department of Energy National Security Programs
(Dollars in Thousands)

	<u>FY2005</u> <u>Request</u>	<u>House</u> <u>Authorized</u>	<u>Senate</u> <u>Authorized</u>	<u>Conference</u> <u>Change</u>	<u>Conference</u> <u>Authorized</u>
Adjustments:					
Use of prior year balances	-15,000	-15,000	-15,000		-15,000
Less security charge for reimbursable work (SO)	-3,003	-3,003	-3,003		-3,003
Less security charge for reimbursable work (NE)	-18,003	-18,003	-18,003		-18,003
Total, Adjustments	663,636	657,636	568,096	-27,600	636,036
Total, Other Defense Activities					
Defense Nuclear Waste Disposal					
Defense nuclear waste disposal	131,000	131,000	108,000	-11,000	120,000
Program decrease			[-23,000]	[-11,000]	
Total, Department of Energy	16,796,643	16,749,643	16,795,643	-1,000	16,795,643
Defense Nuclear Facilities Safety Board					
Defense Nuclear Facilities Safety Board	20,268	21,268	21,268	1,000	21,268
Formerly Utilized Sites Remedial Action Program - Corps of Engineers					
Program increase	[140,000]	[1,000]	[1,000]	[1,000]	[140,000]
Total, Atomic Energy Defense Activities (053)	16,816,911	16,770,911	16,816,911		16,816,911

Legislative Provisions Adopted

Subtitle A-National Security Programs Authorizations

National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize \$9.0 billion for the National Nuclear Security Administration (NNSA), including funds for weapons activities, defense nuclear nonproliferation programs, naval reactor programs, and the Office of the Administrator.

The Senate amendment contained a similar provision that would authorize \$9.2 billion (sec. 3101).

The conferees agree to include a provision that would authorize \$9.1 billion for NNSA.

The budget request included \$1.4 billion for directed stockpile work. The conferees agree to authorize \$1.4 billion for directed stockpile work, a decrease of \$21.5 million to be taken out of individual warhead life extension programs. The conferees note that this is a \$44.6 million increase over the amount appropriated for directed stockpile work in fiscal year 2004.

The budget request included \$301.0 million in science campaigns. The conferees agree to authorize \$281.5 million for science campaigns, a decrease of \$19.5 million. The conferees note that the reduction is without prejudice and should be taken from carry over due to the shutdown at the national laboratories in July and August.

The budget request included \$243.0 million for the engineering campaign. The conferees agree to authorize \$253.0 million for the engineering campaign, an increase of \$10.0 million, to support the microsystems and engineering sciences applications (MESA) construction project.

The budget request included \$741.3 million for the advanced simulation and computing (ASC) campaign. The conferees agree to authorize \$731.3 million for the advanced simulation and computing campaign, a decrease of \$10.0 million. The conferees note that the ASC campaign has experienced cost growth and schedule slippage.

The budget request included \$1.5 billion for readiness in technical base and facilities. The conferees agree to authorize

\$1.5 billion, an increase of \$55.6 million for readiness in technical base and facilities for replacement of aging equipment, correction of deferred maintenance, and disposition of legacy materials consistent with the National Nuclear Security Administration approved 10 year comprehensive plan as follows: \$12.6 million at the Kansas City Plant in Missouri, \$6.0 million for the Lawrence Livermore National Laboratory in California, \$19.0 million for the Pantex Plant in Texas, \$9.0 million for Sandia National Laboratory in New Mexico, and \$9.0 million for the Y-12 National Security Complex in Tennessee.

The budget request included \$707.0 for safeguards and security. The conferees agree to authorize \$716.0 million for safeguards and security, a \$9.0 million increase for security upgrades at the Y-12 National Security Complex in Tennessee.

The budget request included \$1.3 billion for defense nuclear nonproliferation. The conferees agree to authorize \$1.3 billion for defense nuclear nonproliferation, the amount of the budget request. The conferees further agree to a \$25.0 million increase for nonproliferation and verification research and development, and a \$25.0 million reduction for fissile materials disposition. The conferees note that continued delays in the commencement of construction activities under the fissile materials disposition program make it unlikely that the Department will be able to fully obligate the budget request for that program in fiscal year 2005. The conferees believe that the nonproliferation and verification research and development program is doing valuable work on proliferation detection and other technologies that would benefit from additional resources.

The budget request included \$333.7 million for the Office of the Administrator. The conferees agree to authorize \$343.7 million, an increase of \$10.0 million to settle claims of Pajarito homesteaders. This account includes program direction funding for all elements of NNSA, with the exception of the Naval Reactors Program and the Secure Transportation Asset.

The conferees note that security lapses at the Los Alamos National Laboratory (LANL) concerning classified removable electronic media (CREM) this past year have been very disruptive to the nuclear weapons program. The conferees encourage the Administrator to become more involved in making sure these types of incidents are avoided in the future. The contractor has the primary day-to-day accountability for maintaining security of the laboratory, including the security of classified information. The contractor must ensure that a culture exists across the laboratory which maintains classified information in a very secure manner. However, the National Nuclear Security Administration also must be held accountable, and the Administrator must ensure the federal workforce is applying an

appropriate level of oversight to avoid security lapses to the maximum extent possible.

Defense environmental management (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize \$6.9 billion for the Department of Energy for defense environmental management (EM) activities for fiscal year 2005, including funds for defense site acceleration completion and defense environmental services.

The Senate amendment contained a similar provision (sec. 3102) that would authorize \$7.0 billion for defense environmental activities.

The conferees agree to authorize \$7.0 billion for defense environmental management, the amounts of the budget request, including \$6.0 billion for defense site acceleration completion and \$986.5 million for defense environmental services, an increase of \$4.0 million. The conferees agree to authorize this \$4.0 million increase in defense environmental services for newly generated waste requirements and ground water cleanup activities at the Lawrence Livermore National Laboratory in California (Project HQ-SW-0013Y).

Of the amounts authorized to be appropriated in the defense site acceleration completion program, \$6.0 million may be available for the Hazardous Materials Management and Emergency Response (HAMMER) Training Center. While the conferees recognize that HAMMER is an important facility for the training of emergency response personnel, the conferees note that HAMMER may be more appropriately funded and managed by the Department of Homeland Security.

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize \$657.6 million for the Department of Energy (DOE) for other defense activities for fiscal year 2005.

The Senate amendment contained a similar provision (sec. 3103) that would authorize \$568.1 million for DOE for other defense activities.

The conferees agree to include a provision that would authorize \$636.0 million, a reduction of \$27.6 million below the budget request.

The budget request included \$10.6 million for energy security and assurance. The conferees recommend no funds for

these activities. The operational component for this office was transferred to the Department of Homeland Security in fiscal year 2003. The conferees do not support using Atomic Energy Act funds for nondefense activities.

The budget request included \$255.1 million for the Office of Security. The conferees agree to authorize \$256.6 million for the Office of Security, an increase of \$1.5 million above the budget request for International Nuclear Analysis.

The budget request included \$34.9 million for the Office of Legacy Management. The conferees agree to authorize \$35.9 million for the Office of Legacy Management, an increase of \$1.0 million above the budget request. The conferees direct \$500,000 of this increase be added to the \$2.5 million provided for worker and community transition, for a total authorization of \$3.0 million. The remaining \$500,000 shall be used for Local Stakeholder Organizations.

The budget request included \$112.9 million for nuclear energy. The conferees agree to authorize \$114.3 million for nuclear energy, an increase of \$1.5 million over the budget request for the Lynchburg Technology Center in Virginia to inspect and repackage the spent nuclear fuel stored in aluminum canisters. The Senate amendment would authorize \$1.1 million for these activities within defense site acceleration completion. The conferees note that these activities should be addressed by the Office of Nuclear Energy, the office with primary responsibility for these materials.

The budget request included \$92.4 million for defense related administrative support (DRAS). The conferees recommend \$71.4 million for DRAS, a reduction of \$21.0 million below the budget request. The conferees are concerned that the activities conducted by DRAS are not defense activities, but instead support the general administrative responsibilities of the Department of Energy. There are many activities conducted by the defense funded programs at DOE which are paid for entirely by the defense programs that support the Department of Energy broadly. The conferees prefer not to use Atomic Energy Defense funds for nondefense activities. The conferees encourage the Department of Energy to restrict future budget requests for Atomic Energy Defense funds to defense activities.

The budget request included \$5.0 million for the Office of Future Liabilities (FL). The conferees recommend no funds for these activities. The conferees are concerned that DOE is creating this new office to conduct essentially the same type of work being conducted by the Office of Environmental Management (EM). The conferees strongly encourage DOE to include this function in the EM program to avoid the cost and inefficiency of creating a new office.

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Defense nuclear waste disposal (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize \$131.0 million for defense nuclear waste disposal (DNWD).

The Senate amendment contained a similar provision (sec. 3104) that would authorize \$108.0 million for DNWD.

The conferees agree to include a provision that would authorize \$120.0 million, a reduction of \$11.0 million below the budget request.

Subtitle B-Program Authorizations, Restrictions, and Limitations

Report on requirements for Modern Pit Facility (sec. 3111)

The Senate amendment contained a provision (sec. 3111) that would prohibit the Secretary of Energy from obligating or expending more than half of the funds available for the Modern Pit Facility (MPF) until 30 days after the Administrator of the National Nuclear Security Administrator (NNSA) submits a report to congressional defense committees setting forth the validated pit production requirements for the MPF, and one additional report on the stockpile required by the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137). The requirement shall be developed in consultation with the Department of Defense.

~~The House bill contained no similar provision.~~

The House recedes with an amendment that would require the Administrator of the NNSA to submit a report to congressional defense committees setting forth the validated pit production requirements for the MPF not later than January 31, 2005 based on certain assumptions for pit lifetimes. In addition, the provision does not restrict the Secretary's authority to obligate and expend the funds available for the MPF pursuant to section 3101.

Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel (sec. 3112)

The House bill contained a provision (sec. 3111) that would extend the authority of the Secretary of Energy to appoint certain scientific, engineering, and technical personnel until September 30, 2006.

The Senate amendment contained an identical provision (sec. 3142).

The conference agreement includes this provision.

Limited authority to carry out new projects under Facilities and Infrastructure Recapitalization Program after project selection deadline (sec. 3113)

The House bill contained a provision (sec. 3112) that would amend section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) to give the Administrator of the National Nuclear Security Administration (NNSA) greater flexibility in adding projects or updating priorities to projects within the Facilities and Infrastructure Recapitalization Program (FIRP).

The Senate amendment contained a similar provision (sec. 3113) that would amend section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) to permit the Administrator of the NNSA to make no more than five modifications per fiscal year, and would limit each modification to a specific building, facility, or other improvement at an NNSA site. The provision would also prohibit any modifications until 60 days after the congressional defense committees receive both the report required in section 3114(c), setting forth the guidelines on the conduct of the readiness in technical base and facilities (RTBF) program, and a list of projects selected for inclusion in the FIRP program as required by section 3114(a). Nothing should delay the completion of the section 3114(c) report or the completion of the section 3114(a) project section required by the Act.

The House recedes.

Modification of milestone and report requirements for National Ignition Facility (sec. 3114)

The Senate amendment contained a provision (sec. 3114) that would modify and extend current reporting requirements for the National Ignition Facility (NIF), section 3137 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), to review all program elements necessary for both achieving ignition and enabling NIF to be a fully functioning facility.

The House bill contained no similar provision.

The House recedes.

The conferees strongly support NIF and are encouraged by the recent progress in constructing NIF, and the initiation of experiments on NIF in support of the science-based stockpile stewardship program. The purpose of this provision is to ensure there is better internal and external oversight of the project by requiring milestones on construction, ignition, and the scientific experiments.

Modification of submittal date of annual plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile (sec. 3115)

The Senate amendment contained a provision (sec. 3115) that would change the due date of the annual reporting requirement for the stockpile stewardship program from March 15 to May 1.

The House bill contained no similar provision.

The House recedes.

~~The conferees believe that changing the due date for the~~
report will allow the Department of Energy to submit a complete and timely report.

Defense site acceleration completion (sec. 3116)

The Senate amendment contained a provision (sec. 3116) that would authorize the Secretary of Energy to determine that, notwithstanding any other provision of law, high-level radioactive waste does not include radioactive material resulting from the reprocessing of spent nuclear fuel if (a) the radioactive material does not require permanent isolation in a deep geologic repository for spent fuel or highly radioactive waste pursuant to criteria promulgated by the Secretary in

consultation with the Nuclear Regulatory Commission (NRC); (b) to the maximum extent practical, that the highly radioactive radionuclides were removed in accordance with NRC approved criteria; and (c) that materials from storage tanks are disposed of in a facility pursuant to a State-approved closure plan, or a State issued permit, authority for the approval or issuance of which is conferred on the State outside of this Act. This provision would apply to the material stored at the Savannah River Site in South Carolina.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Energy to determine, in consultation with the Nuclear Regulatory Commission (NRC), that notwithstanding the provisions of the Nuclear Waste Policy Act of 1982, the requirements of section 202 of the Energy Reorganization Act of 1974 and other laws that define classes of radioactive waste, the term "high-level radioactive waste" does not include radioactive waste resulting from the reprocessing of spent nuclear fuel if: (1) the waste does not require permanent isolation in a deep geologic repository for spent fuel or high-level radioactive waste, (2) the waste has had highly radioactive radionuclides removed to the maximum extent practical and (3) the waste either does not exceed concentration limits for Class C low-level waste as set out in section 61.55 of title 10, Code of Federal Regulations (CFR), and will be disposed of in compliance with the performance objectives set out in subpart C of part 61 of title 10, CFR, pursuant to a State-approved closure plan or State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this section or, if the waste does exceed concentration limits for Class C low-level waste, the waste will be disposed of in compliance with the performance objectives set out in subpart C of part 61 of title 10, CFR, pursuant to a State-approved closure plan or State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this section, and pursuant to plans developed by the Secretary in consultation with the NRC. Any modification to the performance objectives in subpart C of part 61 of title 10, CFR, shall apply to actions under this section.

Section 3116 applies to material stored at a Department of Energy site at which activities are regulated by a covered State pursuant to approved closure plans or permits issued by the State. For purposes of this section, covered states are the States of South Carolina and the State of Idaho.

The NRC shall, in coordination with the covered State, monitor the disposal actions taken by the Department of Energy (DOE). If the NRC considers any disposal actions by DOE to not be in compliance with the requirements set out in this section,

the NRC shall inform DOE, the covered State, and the appropriate congressional committees. The Secretary of Energy shall reimburse the NRC for all expenses that the NRC incurs for performance under this section during fiscal year 2005. In subsequent fiscal years, the NRC shall include in the budget justification materials submitted to Congress the amounts required, not offset by revenues, for performance under subsections (a) and (b).

Section 3116, as passed by the Senate, applied "notwithstanding any other provision of law." The conferees substitute this broad application with specific laws that are within the ambit of the "notwithstanding" clause; those laws that define classes of radioactive waste, including, but not limited to, the Nuclear Waste Policy Act, section 202 of the Energy Reorganization Act of 1974, section 2(10) of the Waste Isolation Pilot Plant Land Withdrawal Act and section 11dd. of the Atomic Energy Act of 1954, which cross-reference section 2(12) of the NWPA's definition of "high-level waste," section 2(9) of the Low-Level Waste Policy Act which defines low-level radioactive waste with reference to high-level radioactive waste, and the authorities stemming from the Atomic Energy Act for establishing radiation protection standards for disposal of radioactive waste that were transferred to the EPA by Reorganization Plan No. 3 of 1970. Laws like the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) and the Resource Conservation and Recover Act of 1976 (Public Law 94-580) which do not specify or establish disposal standards based on these kinds of classifications of radioactive waste, would be unaffected, as would general environmental laws such as National Environmental Policy Act, and laws regulating radioactive waste for purposes other than disposal.

The conferees note that nothing in section 3116 shall impair, alter, or modify the full implementation of any Federal ~~Facility Agreement and Consent Order or other applicable consent~~ decree for a Department of Energy site. In that connection, the conferees understand that pursuant to the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho dated October 17, 1995 that effectuates this settlement agreement, the Department of Energy has committed to complete solidification of the sodium-bearing waste retrieved from tanks in the Tank Farm Facility at the Idaho Nuclear Engineering and Technology Center at the Idaho National Engineering and Environmental Laboratory (INEEL) by December 31, 2012 and to treat this material so that it is ready to be moved out of Idaho for disposal by a target date of 2035, regardless of

any ultimate decision on the classification of this waste. The conferees urge the Department to accelerate the final out-of-state disposal of this waste. Furthermore, the conferees direct the Secretary of Energy to submit a report to the congressional defense committees by March 1, 2005 describing the Department's plans for the final disposal of the sodium bearing waste at INEEL. Section 3116 does not establish any precedent for and is not binding on the States of Washington, Oregon or any other state that is not a covered state for the management, storage, treatment, and disposition of radioactive and hazardous material.

The conferees note that the Defense Nuclear Facilities Safety Board (DNFSB) has statutory responsibilities associated with the Department's defense site acceleration completion activities. Although this provision establishes new responsibilities for the NRC, nothing in this section is intended to alter the existing statutory authority of the DNFSB in any area.

The conferees note that subsection (c) of this provision states that subsection (a) does not apply to any material transported from the state and subsection (e) (3) states that nothing in this section amends the definition of "transuranic waste". The conferees' intent is that nothing in this statute changes the disposal requirements for waste that will ultimately be disposed of at the Waste Isolation Pilot Plant. In addition, subsection (e) (5) states that nothing in this provision amends the West Valley Demonstration Project Act.

The conferees note that subsection (f) provides for judicial review of any determination or agency action by the Secretary of Energy under this section consistent with the Administrative Procedure Act's provisions for judicial review as set out in chapter 7 of title 5 of the United States Code. Failure by the Nuclear Regulatory Commission to perform its monitoring responsibilities under subsection (b) is also subject to judicial review in accordance with those provisions. The conferees intend that the Secretary of Energy's actions under section 3116 are fully subject to judicial review notwithstanding any action by the Nuclear Regulatory Commission.

The conferees note that section 3155 of the National Defense Authorization for Fiscal Year 2002 sets forth the obligations of the Department to manage and dispose of surplus plutonium shipped to the Savannah River Site. The authority granted to the Department under section 3116 to reclassify radioactive material does not extend to this plutonium nor does it relieve the Department of its obligations under Section 3155 of the 2002 Act. Subsection (e) (4) was included to clarify this limitation.

Treatment of waste material (sec. 3117)

The Senate amendment contained a provision (sec. 3120) that would authorize \$350.0 million out of defense site acceleration completion and defense environmental services to be expended for activities at the Hanford Site in Washington, the Idaho National Engineering and Environmental Laboratory in Idaho, and the Savannah River Site in South Carolina for the safe management, treatment, storage, consolidation, and emptying and cleaning of tanks or tank farms used to store waste from reprocessing activities.

The House bill would authorize \$300.0 million for defense site acceleration completion to address waste incidental to reprocessing.

The House recedes with an amendment that would authorize \$350.0 million for defense site acceleration completion activities at the Idaho National Engineering and Environmental Laboratory in Idaho, the Savannah River Site in South Carolina, and the Hanford Site in Washington.

Local stakeholder organizations for 2006 closure sites (sec. 3118)

The Senate amendment contained a provision (sec. 3121) that would direct the Secretary of Energy to establish local stakeholder organizations (LSOs) to operate in consultation with local elected officials at Department of Energy Environmental Management 2006 closure sites. This would include the Rocky Flats Environmental Technology Site, the Fernald Environmental Management Project, and the Miamisburg Environmental Management Project Mound Site.

The House bill contained no similar provision.

~~The House recedes with an amendment that would strike the portion of the provision which stated that the Federal Advisory Committee Act (FACA) (5 U.S.C. App.) does not apply to LSOs.~~

The conferees note that as the community reuse organizations comply with FACA, LSOs will also have to comply with FACA. The conferees also encourage the LSOs to work with other community organizations and groups to allow a broad view to be considered.

Report to Congress on Advanced Nuclear Weapons Concepts Initiative (sec. 3119)

The Senate amendment contained a provision (sec. 3112) that would prohibit the Secretary of Energy from obligating or expending the funds available for advanced nuclear concepts

initiative (ACI) until 30 days after the Administrator of the National Nuclear Security Administration submits a report on the planned activities for fiscal year 2005 under this initiative.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Administrator of the NNSA to submit a report setting forth the planned ACI activities in fiscal year 2005 by March 1, 2005. The Secretary may fully obligate or expend the funds available for ACI.

Subtitle C-Proliferation Matters

Modification of authority to use International Nuclear Materials Protection and Cooperation Program funds outside the former Soviet Union (sec. 3131)

The Senate amendment contained a provision (sec. 3131) that would amend section 3124 of the National Defense Authorization Act for Fiscal Year 2004, to remove the \$50.0 million limitation on the authority to use International Nuclear Materials Protection and Cooperation Program funds for projects and activities outside of the former Soviet Union to meet emerging proliferation threats. The provision would also clarify that this authority applies only to projects or activities that have not previously been authorized by Congress.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide (sec. 3132)

The Senate amendment contained a provision (sec. 3132) that would express the sense of Congress that the security of high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment at vulnerable sites worldwide should be a top U.S. national security priority. The provision would also express the sense of Congress that the President may establish a Department of Energy Task Force on Nuclear Materials to carry out a program to undertake an accelerated, comprehensive worldwide effort to mitigate threats posed by high-risk, proliferation-attractive fissile materials, radiological

materials, and related equipment located at sites potentially vulnerable to theft or diversion. The provision would include a list of specific activities that would be authorized under such a program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Silk Road Initiative (sec. 3133)

The House bill contained a provision (sec. 1421) that would authorize the Secretary of Energy to carry out a program known as the Silk Road Initiative to promote non-weapons-related employment opportunities for scientists, engineers, and technicians formerly engaged in activities to develop and produce weapons of mass destruction in nations of the former Soviet Union in the Caucasus and Central Asia. The provision would encourage the Secretary to begin a pilot program in the Republic of Georgia, and would authorize the Secretary to spend up to \$10.0 million on the program from funds available for nonproliferation and international security for fiscal year 2005.

The Senate amendment contained no similar provision.

The Senate recedes with technical amendments.

The conferees note that a number of independent states of the former Soviet Union have been helpful to the United States in the war on terrorism. Such states are new and struggling democracies and would benefit considerably from assistance to create sustainable jobs for their underemployed or unemployed scientists, engineers, and technicians who were formerly engaged in activities to develop and produce weapons of mass destruction. The conferees further note that it is the policy of the United States to seek to establish and promote programs to prevent the proliferation of scientific and technical expertise to develop and produce weapons of mass destruction from states of the former Soviet Union to countries of proliferation concern; and to assist independent states of the former Soviet Union that have been helpful to the United States in the war on terrorism so as to promote the creation of jobs that foster economic stability and democracy.

Nuclear Nonproliferation Fellowships for scientists employed by United States and Russian Federation (sec. 3134)

The House bill contained a provision (sec. 1422) that would authorize the Administrator for Nuclear Security to carry out a

program under which the Administrator would award international exchange fellowships in the nuclear nonproliferation sciences to scientists employed at the Kurchatov Institute of the Russian Federation and the Lawrence Livermore National Laboratory of the United States. The fellowships would be known as Teller-Kurchatov Nonproliferation Fellowships. The provision would authorize the Administrator to spend up to \$10.0 million on the program from funds available for nonproliferation and international security in fiscal year 2005.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Administrator for Nuclear Security to carry out a program under which the Administrator would award international exchange fellowships in the nuclear nonproliferation sciences to scientists employed at nonproliferation research laboratories of the Russian Federation and the United States. The fellowships would be known as Nuclear Nonproliferation Fellowships. The provision would authorize the Administrator to use funds available for nonproliferation and international security in fiscal year 2005 for this fellowship program.

Utilization of international contributions to the Elimination of Weapons Grade Plutonium Production Program (sec. 3135)

The conferees agree to include a provision that would provide the Secretary of Energy authority to accept international contributions to the Elimination of Weapons Grade Plutonium Production Program. The provision would permit the Secretary of Energy to: 1) enter into agreements, in consultation with the Secretary of State, with a person, foreign government, or international organization for this purpose; and 2) use such contributions without further authorization or appropriation. The provision would require the Secretary to notify the congressional defense committees: 1) of the receipt of any international contributions for this program within 30 days of their receipt; and 2) of the intended use of any funds received 30 days before they may be utilized. The provision would also require the Secretary to submit an annual report to the congressional defense committees on the receipt and utilization of amounts received pursuant to this authority for each fiscal year. The provision would require that any funds not used within five years be returned to the contributor. The authority provided by this provision would expire on December 31, 2011.

Subtitle D-Other Matters

Indemnification of Department of Energy contractors (sec. 3141)

The Senate amendment contained a provision (sec. 3141) that would amend section 170d(1) (A) of the Atomic Energy Act of 1954 to allow the Department of Energy to continue to enter into contracts for indemnification for an additional two years, through December 31, 2006.

The House bill contained no similar provision.

The House recedes.

Report on maintenance of retirement benefits for certain workers at 2006 closure sites after closure of sites (sec. 3142)

The Senate amendment contained a provision (sec. 3122) that would require the Assistant Secretary of Energy for Environmental Management to submit a report to the Secretary of Energy on maintenance of retirement benefits for workers at 2006 closure sites shortly before closure of those sites. The report would include the number of workers at the closure sites which would not receive retirement benefits if the site where they work is closed early; the cost to provide benefits to these workers; and the impact on collective bargaining agreements due to the workers' loss of benefits. The Secretary of Energy would be required to send the report to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the scope of the report.

The conferees direct the Department of Energy to use the contracts that were in effect on September 30, 2003 as the contracts for determining the target completion date.

Report on efforts of National Nuclear Security Administration to understand plutonium aging (sec. 3143)

The Senate amendment contained a provision (sec. 3123) that would require the Administrator of the National Nuclear Security Administration (NNSA) to enter into a contract with a Federally Funded Research and Development Center for a study to assess the efforts of the NNSA to understand the aging of plutonium used in nuclear weapons.

The House bill contained no similar provision.

The House recesses.

*Support for public education in the vicinity of Los Alamos
National Laboratory, New Mexico (sec. 3144)*

The Senate amendment contained a provision (sec. 3144) that would require the Secretary of Energy (DOE) to include in all the management and operating contracts for the Los Alamos National Laboratory (LANL), entered into after September 30, 2005, a provision that would require the contractor to provide \$8.0 million per year for support for public secondary and elementary education to the Los Alamos Public School District. The House bill contained no similar provision.

The House recesses.

*Review of Waste Isolation Pilot Plant, New Mexico, pursuant to
competitive contract (sec. 3145)*

The House bill contains a provision (sec. 3133) that would direct the Secretary of Energy to enter into a new contract for independent reviews of the design, construction, and operations of the Waste Isolation Pilot Plant in New Mexico (WIPP).

The Senate amendment contained a similar provision (sec. 3145) that would direct the Secretary of Energy to use competitive procedures in future contracts for independent reviews of the design, construction, and operations of WIPP.

The House recesses.

*National Academy of Sciences study on management by Department
of Energy of certain radioactive waste streams (sec. 3146)*

The House bill contains a provision (sec. 3132) that would require the Secretary of Energy to enter into an agreement with the National Research Council of the National Academy of Sciences to complete a study of the plans of the Department of Energy (DOE) to manage certain waste streams that are not planned for disposal in a high-level repository. These streams are located at the Savannah River site, South Carolina, the Idaho National Engineering and Environmental Laboratory, Idaho, and the Hanford Reservation, Washington.

The provision would require the National Research Council to submit an interim report no later than six months after entering into the agreement with the Secretary and a final report no later than one year after entering such agreement.

The Senate amendment contained a similar provision (sec. 3117) that would authorize \$750,000 for a similar study.

The Senate recedes with an amendment which would require the Secretary of Energy to enter into an arrangement with the National Research Council of the National Academy of Sciences (NAS) to carry out a study of the plans of the Department of Energy to manage waste, from reprocessed spent nuclear fuel, which exceeds the concentration limits for Class C low-level waste set out in section 61.55 of title 10, Code of Federal Regulations (CFR). The waste that is the subject of the study is stored in tanks at the Savannah River Site, in South Carolina, the Idaho National Engineering and Environmental Laboratory (INEEL), in Idaho, and the Hanford Reservation, in Washington, and it is waste which DOE does not plan to dispose of in a repository for spent nuclear fuel and high-level waste.

The conferees note that the study shall evaluate the state of the Department's understanding of the physical, chemical, and radiological characteristics of the waste. Additionally, the study should evaluate any actions, in addition to those contained in the Department's current plans, which should be considered to ensure the plan's compliance with the performance objectives of part 61 of title 10, Code of Federal Regulations. In addition, the study shall evaluate the adequacy of the Department's plans for monitoring disposal sites to verify compliance with the performance objectives in part 61 of title 10, Code of Federal Regulations, any existing technology alternatives to these plans, and any existing technology gaps.

The National Research Council may develop recommendations it considers appropriate and directly related to the subject matter of the study. The National Research Council shall submit the reports to the Secretary of Energy and the appropriate congressional committees. Of the amounts authorized for the Department of Energy, \$1.5 million shall be available for carrying out this study.

Compensation of Pajarito Plateau, New Mexico, homesteaders for acquisition of lands for Manhattan Project in World War II
(sec. 3147)

The Senate amendment contained a provision (sec. 3146) that would establish a fund to settle outstanding claims derived from the acquisition of land used in the Manhattan Project. The

provision would authorize \$10.0 million to settle claims for compensation by Pajarito Plateau homesteaders.

The House bill contained no similar provision.

The House recedes with an amendment that would require the United States District Court for the District of New Mexico to appoint a special master to identify class members, receive claims, resolve contests, and address such other matters the Court may order. The claims to be settled from the fund are the claims pending before the court as Civil Number 00-60. In addition, the provision would establish guidelines for settling claims using the fund. Following all determinations, the Special Master would be directed to award the allocated amounts from the fund after approval by the Court. The conferees intend this fund and the payments made from it constitute full and complete settlement of these claims.

Modification of requirements relating to conveyances and transfer of certain land at Los Alamos National Laboratory, New Mexico (sec. 3148)

The conferees agree to include a provision that would authorize the Department of Energy to transfer certain parcels of land at the Los Alamos National Laboratory in New Mexico to the Los Alamos County Public Schools in New Mexico. The conferees note the financial benefits realized through this land transfer will be used to facilitate economic development for the Los Alamos County Public Schools.

Subtitle E-Energy Employees Occupational Illness Compensation Program

Improvements to the Energy Employees Occupational Illness Compensation Program Act (sec. 3161-3170)

The Senate amendment contained a series of provisions (sec. 3151-3157) that would amend section 3621 of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) of 2000 (Public Law 106-398). The primary changes that the provisions would make to the EEOICPA program would transfer claims processing under Part D of EEOICPA from the Department of Energy (DOE) to the Department of Labor (DOL), direct DOL to compute compensation payments and require DOL to make such compensation payments to the employees.

The Senate amendment would allow covered DOE contractor employees to elect to proceed under State workers' compensation systems or choose to receive compensation under EEOICPA Part D.

The Senate amendment allowed covered DOE contractor employees who have been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a DOE facility under subtitle B of EEOICPA, to be treated as having contracted the occupational illness through exposure at DOE facilities for purposes of subtitle D. Employees not previously covered under subtitle B of EEOICPA would be determined to have contracted an illness through exposure at a DOE facility for purposes of subtitle D if (1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illnesses; and (2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a DOE facility. The Secretary of Labor would make such determinations. In making these determinations, the Secretary of Labor would be allowed to use physicians to assist in making such determinations.

The amount of workers' compensation to which covered DOE contractor employees or eligible survivors would be entitled would be determined under the appropriate State workers' compensation system. Covered DOE contractor employees determined to be eligible for compensation for an occupational illness or covered illness under these provisions would also be furnished medical benefits. Covered DOE contractor employees would also be able to seek review by the Secretary of Labor of determinations concerning eligibility and levels of compensation decided against the employees.

Attorney fees for assistance on a claim under this subtitle would be available for covered DOE contractor employees to the same extent that they are currently available under Subtitle B.

The Senate amendment would transfer administration of subtitle D of EEOICPA to the Secretary of Labor, and direct the Secretary to work with the Secretary of Energy to transfer all applicable records, files and other data from DOE to DOL.

The Senate amendment would also expand the coverage of individuals employed by atomic weapons employers (AWE) who were exposed to residual radiation after DOE related work at the AWE facility stopped. Additionally, the Director of the National Institute of Occupational Safety and Health (NIOSH) would update the 2000 report on residual contamination of AWE facilities.

The Senate amendment would establish in DOL a new Office of the Ombudsman to assist individuals in making claims under subtitle D of EEOICPA and direct the Secretary of Labor to prescribe regulations necessary to carry out these provisions. The provisions would also set forth a Sense of Congress that the

Secretary of Energy should adopt a policy not to oppose any final positive determinations with respect to injured workers at DOE facilities and AWE facilities under a State workers' compensation adjudication system unless such determinations are frivolous. The Senate amendment would also set forth findings that DOL establish a resource center in western New York to provide assistance to energy employees making claims under Subtitle B of EEOICPA, and set forth the sense of the Senate that the Ombudsman should evaluate current assistance and recommend a site for a resource center.

The Senate amendment also included provisions that would designate under specified circumstances certain former nuclear weapons program workers as members of the Special Exposure Cohort (SEC) under section 3621 of EEOICPA. Funding for all programs created, modified or expanded under these provisions would be subject to appropriations.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to repeal subtitle D of EEOICPA, establish a new compensation scheme and direct the Department of Labor (DOL) to administer the program. The new program would be established as subtitle E of EEOICPA.

Under the new subtitle E of EEOICPA, covered DOE contractor employees would be compensated based on any impairment from a covered illness resulting from exposure to a toxic substance at a DOE facility. The employee would receive additional compensation if the impairment resulted in significant wage losses. The primary goal of the conferees was to create a simple, fair and uniform workers compensation system and avoid chronic delays and inefficiencies that workers currently encounter.

Specifically, employees would receive \$2,500 for every degree of impairment, resulting from a covered illness contracted by that employee through exposure to a toxic substance at a DOE facility. Additionally, the covered employee would be compensated for annual wage loss, defined as the average salary for the 36 months preceding the month the wage loss began, as follows: (1) \$10,000 for each calendar year where the employee's annual wage exceeded 50 percent of the employee's average annual wage at the DOE facility but did not exceed 75 percent of their average annual wage; or \$15,000 for each calendar year where the employee's annual wage did not exceed 50 percent of the employee's average annual wage at the DOE facility. The wage losses must result from the covered illness as determined by DOL.

The American Medical Association's Guides to the Evaluation of Permanent Impairment should be used in making these determinations. On the other hand, as the Guides state "Impairment assessment is a necessary *first step* for determining disability." [Emphasis in original] The new compensation regime

that would be established in subtitle E of EEOICPA establishes a two part award -one for impairment and one for work loss as a result of disability. As structured in subtitle E the two part award is a unique way to compensate employees for impairments as well as compensation based upon past and present earnings losses from disability. In some cases, particularly in cases involving illnesses to long exposure to toxic substances, there may be an illness for which the AMA Guides do not provide an impairment rating. As a result, each individual employee should be evaluated individually and the determination of impairment and work disability should be through a combination of the Guides and by physicians suitably trained and qualified. Because of the unique nature of the compensation under subtitle E, the conferees do not intend the use of the Guides in this context to establish a precedent for other federal compensation programs.

The conferees also include a provision that would provide three categories of compensation for survivors of a covered DOE contractor employee. Under category one, the survivor would receive \$125,000, if the Secretary of Labor determines that the employee would have been entitled to compensation under part E of EEOICPA and it is at least as likely as not that exposure to a toxic substance at a DOE facility was a significant factor in aggravating, contributing to, or causing death. Under category two, the survivor would receive \$150,000, if he or she meets the criteria under category one, and the Secretary of Labor also determines that there was an aggregate period of not less than 10 years, before the employee attained normal retirement age, during which, as a result of any covered illness contracted by the employee through exposure of a toxic substance at a DOE facility, the employee's annual wage did not exceed 50 percent of the average annual wage of the employee. Under category three, the survivor would receive \$175,000, if he or she meets the criteria under category one, plus the Secretary of Labor also determines that there was an aggregate period of not less than 20 years, before the employee attained normal retirement age, during which, as a result of any covered illness contracted by the employee through exposure of a toxic substance at a DOE facility, the employee's annual wage did not exceed 50 percent of the average annual wage of the employee. The survivor would be entitled to receive the highest category for which the survivor qualifies. The maximum aggregate benefit available under subtitle E of EEOICPA is \$250,000.

Radiation Exposure Compensation Act

The conferees also agree to make compensation under subtitle E applicable to certain uranium employees under section 5 of the Radiation Exposure Compensation Act (RECA) (42 U.S.C. 2210 note).

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Compensation for these employees would be determined on the same basis as it applies to a DOE contractor employee under section 3675 of subtitle E of EEOICPA.

Office of the Ombudsman

The conferees agree to include a provision similar to the Senate amendment to create an Office of the Ombudsman. The authority for the Office of the Ombudsman would expire three years after enactment. The conferees expect the Ombudsman to work with the Secretary of Labor to ensure the Ombudsman is technically proficient on subtitle E of EEOICPA to the maximum extent practicable before they begin conducting covered DOE contractor employee outreach. The conferees also expect the Ombudsman to make recommendations the Ombudsman considers appropriate for the improvement of the practices of DOL in administering subtitle E of EEOICPA. The conferees urge the Secretary to hire a director of the Office of the Ombudsman within 120 days of enactment.

Administrative Provisions

The conferees have included a series of provisions that deal with administrative and judicial review, physician services, medical benefits, attorneys fees, offsets, subrogation, exclusivity of remedy, treatment of payments, and administrative matters between DOL and DOE concerning records, files and other data.

Compensation under subtitle E would be offset by any benefits an individual receives for the same covered illness ~~through a State workers' compensation system. The aggregate~~ amount of compensation received on behalf of a covered employee under subtitle E, other than medical benefits, shall not exceed \$250,000.

The conferees believe the benefits available under subtitle E of EEOICPA are a fair and equitable alternative to the complexities and uncertainties that employees and their survivors may face in State workers' compensation programs. If an election is made to proceed under subtitle E of EEOICPA, the covered DOE contractor employer and survivor will not be able to bring additional actions against the United States or the DOE contractor for covered illnesses. A covered DOE contractor employee or their survivor may choose to forego benefits under subtitle E of EEOICPA and instead seek compensation through a state workers compensation system, litigation or any other available compensation mechanisms.

The benefits paid under subtitle E and the administrative costs of subtitle E will be treated for budget and accounting purposes as mandatory spending.

The Secretary is required to establish a process for administrative appeals. In developing this process, the conferees urge the Secretary to consider other administrative appeals processes for similar programs. Determining whether an illness was caused by exposure to toxic substances can be complex. Therefore, the conferees urge the Secretary to consider an appeal process whereby claimants have an opportunity to have an adverse determination reviewed by an independent physician or physician panel. The conferees note that the Secretary has the authority to hire physician panels, and urge the Secretary to hire physicians with experience and competency in diagnosing illnesses caused by exposure to toxic substances in exercising this authority.

The conferees note that included in the administrative provisions is a provision that would direct the Social Security Administration to make available to the Secretary of Labor earnings information necessary to carry out the requirements of subtitle E. The conferees expect that protections will be in place at DOL that will protect this information from unauthorized disclosure to the same extent the information was protected before being transferred to DOL.

The conferees urge the Secretary, in consultation and coordination with the Secretary of Energy, to notify all applicants of the changes in the management of this program. The conferees recommend that the Secretary, through or in coordination with the Office of the Ombudsman, explain program changes, provide guidance on changes in the processing of claims, and provide a toll free "hotline" which claimants can call for assistance.

Special Exposure Cohort

The conferees are concerned that the administrative process for designating additional special exposure cohorts (SEC) is too slow and should be accelerated. Covered DOE contractor employees from the 1940s, 50s, 60s, and 70s whose occupational illness was caused through exposure to toxic substances while working in DOE contractor facilities should receive compensation under subtitle B of EEOICPA. Unfortunately many of the records or other data has been lost or destroyed. As a result of these delays, the conferees have included several provisions that would make improvements to subtitle B of EEOICPA in an effort to accelerate the process for designating additional SECs. First, the Secretary of Energy is directed to ensure that members and staff

of the NIOSH Advisory Board have an opportunity to apply for necessary security clearances. The Secretary of Energy should process these applications within 180 days after receiving a completed application. In addition, the Secretary of Energy is directed, in accordance with law, to provide the Advisory Board access to any information that the Board considers relevant to carry out its responsibilities under EEOICPA, including Restricted Data.

To ensure that applications to be a SEC member are processed promptly, new timelines have been included. Within 180 days of receipt of a petition for designation as members of a SEC, the Director of NIOSH must submit to the Advisory Board a recommendation on that petition, including all supporting documentation. During the 180 period when NIOSH is preparing the petition for review by the Advisory Board, NIOSH should identify all deficiencies in the petition within the first 30 days. When the President receives an affirmative recommendation from the Advisory Board to designate a class to the SEC, the President shall have a period of 30 days in which to accept or reject the recommendation and notify Congress. If the President does not send a determination notice within 30 days, and if there is an affirmative Board recommendation, the class recommended to be a SEC will automatically become a SEC, subject to a 30 day notification period in Congress.

In an effort to prevent further delays for petitions already filed, the Board would be directed to convene an emergency meeting if NIOSH completes the evaluation of a petition more than ten days before a regularly scheduled Board Meeting. This emergency authority shall expire on March 1, 2005. In addition, the President is directed to submit a report to Congress by March 15, 2005 providing a status update on all petitioners who filed by October 1, 2004. The report should include, for each petition, the estimated time to complete consideration of the ~~petition and any anticipated actions or circumstances that could~~ preclude the Board from acting upon that petition before the end of fiscal year 2005. The conferees expect NIOSH to respond promptly throughout the process to ensure the petition and all supporting documentation is filed and processed correctly.

The conferees are concerned that auditors hired to conduct an audit of NIOSH and the Advisory Board are having a difficult time getting information and maintaining an appropriate degree of independence. The conferees expect NIOSH to work to ensure these issues are addressed in future audits.

Pursuant to a recommendation of the Comptroller General, in the September, 2004 Report (GAO-04958), to the extent the Secretary of Labor determines it useful and practicable, the Secretary of Labor shall direct the Director of NIOSH to prepare

site profiles for a DOE facility based on records, files and other data provided by the Secretary of Energy.

The conferees urge the Director of NIOSH to consult with DOE contract workers and their representatives in developing these site profiles, and to update site profiles as information becomes available. The conferees have also included a provision that would direct the Secretary of Health and Human Services to submit to Congress a report setting forth the time frames for completing the site profiles.

Residual Radiation Exposure

The conferees include the provisions from the Senate amendment that expand coverage under subtitle B to include workers exposed to residual radiation contamination. In addition, the provision would add a definition of the term radiation dose applicable to employees exposed to residual radiation.

The conferees have also agreed to include a provision that would direct the director of NIOSH to update the 2003 residual radiation report.

Legislative Provisions Not Adopted

Annual report on expenditures for safeguards and security

The Senate amendment contained a provision (sec. 3118) that would require the Secretary of Energy to submit an annual report ~~describing the activities and costs of the safeguards and~~ security program at the defense nuclear facilities across the Department of Energy (DOE). The Senate was concerned that the DOE was considering a change in budgeting for safeguards and security that would include these costs as part of the cost of each DOE program. The Senate was concerned that such an approach to budgeting, particularly during the two-year effort to comply with the new design basis threat, would mask the cost of these important requirements.

The House bill contained no similar provision.

The Senate recedes.

The conferees are satisfied that the DOE will continue to include sufficient transparency in their budget request for safeguards and security in fiscal year 2006.

*Authority to consolidate counterintelligence offices of
Department of Energy and National Nuclear Security
Administration within the National Nuclear Security
Administration*

The Senate amendment contained a provision (sec. 3119) that would authorize the Secretary of Energy to consolidate the counterintelligence offices of the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) within NNSA.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that the NNSA was originally set up as a semi-autonomous agency, in large part, to ensure that there would be adequate focus and priority placed on counterintelligence activities. The conferees urge the counterintelligence offices at DOE and NNSA to work together to ensure security of both DOE and NNSA programs and facilities.

*Transfers and reprogrammings of National Nuclear Security
Administration funds*

The House bill contains a provision (sec. 3131) that would direct the Administrator of the National Nuclear Security Administration (NNSA) to specifically submit notifications and requests for reprogramming directly to the congressional defense committees, with the only role of the Department of Energy (DOE) being for the Chief Financial Officer (CFO) to certify whether funds covered by the notice or request are available.

The Senate amendment contained no similar provision.

The House recesses.

The conferees believe that there is a present need for better coordination between the Administrator of the NNSA and the CFO of DOE regarding budgetary actions.

The National Defense Authorization Act for Fiscal Year 2000 established the National Nuclear Security Administration (50 U.S.C. 2401, otherwise known as the "NNSA Act"). In passing this Act, Congress created the National Nuclear Security Administration as a semi-autonomous agency within the DOE. The mission of the NNSA is to enhance the national security through the military application of nuclear energy, to reduce global danger from weapons of mass destruction, and to promote international nuclear safety. The cornerstone of this Act is to provide significant autonomy to the NNSA.

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Among the various functions assigned in the Act, the NNSA Administrator has authority over, and is responsible for, all programs and activities of the NNSA, including budget formulation, guidance and execution, and other financial matters (50 U.S.C. 2402). The NNSA Act also provides for separate treatment of NNSA's budget request in the President's budget (50 U.S.C. 2451) and for the Administrator to establish procedures for planning, programming, budgeting, and financial activities (50 U.S.C. 2452). Congress' intent was to provide autonomy for the NNSA in numerous functions, including all those functions associated with budget formulation and execution.

The conferees are deeply concerned that the overall management of the NNSA budget process may not be carried out in accordance with the full intent of the NNSA Act and that current processes have caused unnecessary delays in budget actions. Accordingly, the Secretary of Energy and the Administrator are directed, within 60 days of enactment of this Act, to develop a process that streamlines all NNSA-related budgetary actions including, but not limited to reprogramming requests to Congress, and that is in full compliance with the NNSA Act. This process should establish realistic deadlines for DOE and NNSA to complete budget-related actions, such as reprogrammings. The Secretary and the Administrator shall submit a report to the congressional defense committees by March 1, 2005 outlining the deadlines for budget-related actions that were established. Commencing on March 1, 2006, and annually thereafter on March 1, the Secretary and the Administrator shall submit a report to the congressional defense committees assessing the Department's and National Nuclear Security Administration's performance in meeting these deadlines, and if applicable, the reasons for failing to meet the established deadlines.

Additional amount for defense site acceleration completion

The House bill contained a provision (sec. 3134) that would authorize \$50.0 million for defense site acceleration completion. The Senate amendment contained no similar provision.

The House recedes.

Improvements to Energy Employees Occupational Illness Compensation Program

The House bill contained a provision (sec. 3135) that would amend section 3661 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 785) by requiring the

Secretary of Health and Human Services to select individuals to serve as panel members based on experience and competency in diagnosing occupational illness.

The Senate amendment contained a similar provision (sec. 3143) that would amend section 3661 of the National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), part D of the Energy Employees Occupational Illness Program Act (EEOICPA). The provision would eliminate the following three restrictions: (1) the pay cap on physicians serving on part D physicians panels; (2) the requirement that the part D physicians work only on a temporary or intermittent basis; and (3) the requirement for agreements between DOE and States.

The conferees agree not to adopt either provision.

Title XXXII-DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Legislative Provisions Adopted

Defense Nuclear Facilities Safety Board (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize \$21.3 million for the Defense Nuclear Facilities Safety Board for fiscal year 2005, an increase of \$1.0 million to fund cost-of-living pay increases for permanent staff and to hire outside consultants as needed for technical oversight of new Department of Energy projects.

The Senate amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision.

Title XXXIII-NATIONAL DEFENSE STOCKPILE

Legislative Provisions Adopted

Authorized Uses of National Defense Stockpile Funds (sec. 3301)

The House bill contained a provision (sec. 3301) that would authorize \$59.7 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2005. The provision would also permit the use of additional funds for extraordinary or emergency conditions 45 days after a notification to the Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

Revision of earlier authority to dispose of certain materials in National Defense Stockpile (sec. 3302)

The Senate amendment included a provision (sec. 3302) relative to revenue requirements for certain previously authorized disposals from the National Defense Stockpile to establish a new requirement of \$870.0 million by the end of fiscal year 2014.

The House bill included a similar provision (sec. 3303) that would set revenue requirements for those same disposals of at least \$785.0 million by the end of fiscal year 2005 and \$870.0 million by the end of fiscal year 2009.

The Senate recedes.

Disposal of ferromanganese (sec. 3303)

The House bill contained a provision (sec. 3302) that would amend section 3306 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), to authorize the Secretary of Defense to dispose of 100,000 short tons of high carbon ferromanganese of the highest grade during fiscal year 2005.

The Senate amendment contained a similar provision (sec. 3301) that would authorize the Secretary to dispose of up to 50,000 tons of high carbon ferromanganese during fiscal year 2005. The provision would also authorize the disposal of an

additional 50,000 tons of high carbon ferromanganese during fiscal year 2005, at 25,000 ton increments, subject to the Secretary, in consultation with the Secretary of Commerce, providing certifications to the congressional defense committees 30 days before the release of each increment.

The House recedes with an amendment that would authorize the Secretary of Defense to dispose of up to 50,000 tons of high carbon ferromanganese during fiscal year 2005. The provision would also authorize the disposal of an additional 50,000 tons of high carbon ferromanganese during fiscal year 2005, at 25,000 ton increments, subject to the Secretary of Defense certifying to the Committees on Armed Services of the Senate and the House of Representatives not later than 30 days before commencement of disposal of a 25,000 ton increment the following: the disposal of ferromanganese is in the interest of national defense; the disposal of ferromanganese under such paragraph will not cause undue disruption to the usual markets of ferromanganese producers or processors of the United States; and the disposal of ferromanganese is consistent with the requirements of the National Defense Stockpile under the Strategic and Critical Material Stock Piling Act (50 U.S.C. et seq.).

Prohibition on storage of mercury at certain facilities (sec. 3304)

The Senate amendment contained a provision (sec. 3303) that would prohibit the Secretary of Defense from storing mercury from the National Defense Stockpile at any facility that is not owned or leased by the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary from storing mercury from the National Defense Stockpile at any facility that is not owned or leased by the United States in fiscal year 2005.

Title XXXIV-NAVAL PETROLEUM RESERVES

Legislative Provisions Adopted

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize \$20.0 million for the operation and maintenance of the Naval Petroleum and Oil Shale Reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

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Title XXXV-MARITIME ADMINISTRATION

Legislative Provisions Adopted

Authorization of appropriations for Maritime Administration (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize funds to be appropriated for the Maritime Administration for expenses necessary for operations and training activities, for administrative activities under the loan guarantee program, and for ship disposal.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority to provide war risk insurance for Merchant Marine vessels (sec. 3502)

The House bill contained a provision (sec. 3502) that would amend Section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1294) to extend the authority to provide war risk insurance for Merchant Marine vessels from June 30, 2005 to December 31, 2010. The provision would also amend section 1208(a) of the same Act (46 U.S.C. App. 1288), allowing the Secretary of Transportation to request the Secretary of the Treasury to invest such portion of the fund that is not, in the judgement of the Secretary of Transportation, required to meet the current needs of the fund.

The Senate amendment contained a similar provision (sec. 1066), which would have extended the authority to provide war risk insurance to December 31, 2008, and would have allowed similar investments of a portion of the fund.

The Senate recedes.

Modification of priority afforded applications for national defense tank vessel construction assistance (sec. 3503)

The Senate amendment contained a provision (sec. 2901) that would amend section 3542(d)(2) of the Maritime Security Act of 2003 (title XXXV of Public Law 108-136). The amendment would

require the Secretary of Transportation to give priority consideration to a proposal for national defense tank vessels if they had been accepted for participation in the Shipboard Technology Evaluation Program (STEP) as outlined in Navigation and Vessel Inspection Circular 01-04, issued by the Commandant of the U.S. Coast Guard on January 2, 2004.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the Secretary of Transportation to give priority to subsidy proposals received after fiscal year 2005 if the vessels, which are to be constructed, have been selected to participate in the STEP.

Title XXXVI-ASSISTANCE TO FIREFIGHTERS

Legislative Provisions Adopted

Assistance to Firefighters (secs. 3601-3603)

The Senate amendment contained several provisions (sec. 3501-3513) that would reauthorize the Department of Homeland Security's Assistance to Firefighters Grant Program for fiscal years 2005 through 2010. The provision would also authorize the Secretary of Homeland Security, in consultation with the U.S. Fire Administrator, to administer the grant program; expand eligibility for the Assistance to Firefighters Grant Program to volunteer emergency medical service (EMS) organizations; reduce the matching requirements for jurisdictions with populations less than 20,000; set caps on assistance to jurisdictions based on population; and authorize \$900.0 million for the program in fiscal year 2005; \$950.0 million for fiscal year 2006; and \$1.0 billion for each of fiscal years 2007 through 2010.

The House bill contained no similar provision.

The House recedes with an amendment that would place the Director of the Federal Emergency Management Agency, acting through the U.S. Fire Administrator, in charge of administration of the program. Further, the amendment would create a funding floor for grants to EMS organizations, but set a funding ceiling for EMS organizations that are not affiliated with fire departments. The amendment would include reduced matching requirements for jurisdictions with populations less than 50,000, and modify the caps on assistance to jurisdictions based on population. The amendment would authorize \$900.0 million for fiscal year 2005; \$950.0 million for fiscal year 2006; and \$1.0 billion for each of fiscal years 2007 through 2009.

The conferees are concerned about the number of firefighters suffering fatal heart attacks each year while on duty. The conferees direct the director to work to reduce the number of on-duty firefighter fatalities by promoting life-saving policies, training, and equipment, including Automated External Defibrillator devices. As a part of this effort, the director is encouraged to examine the feasibility of prioritizing life-saving training and equipment in grant evaluation criteria.